



Indonesia

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Indonesia made progress in some areas of its transition from a long-entrenched authoritarian regime to a more pluralistic, representative democracy; however, the country also encountered significant setbacks in areas of democratic governance. In October 1999, President Abdurrahman Wahid was elected in the country's first pluralistic elections, in a process judged free and fair by international monitors. The democratically-elected government faced enormous challenges because institutions required for a democratic system either do not exist or are at an early stage of development. Existing institutions, including the government bureaucracy and security establishment, often were obstacles to democratic development. When governmental authority changed hands from President B.J. Habibie to President Wahid the political system was revamped to provide for separation of powers, with an executive branch, a president, and an appointed cabinet that ultimately are accountable to a directly elected parliament. The Parliament (DPR) and the People's Consultative Assembly (MPR) were installed in October 1999, replacing the former DPR, which was elected in 1997, and the former MPR. In accordance with constitutional procedures, the new MPR elected, in a transparent balloting procedure, Wahid as President, and Megawati Soekarnoputri as Vice President in October 1999. The 500-member DPR, of which 462 members were chosen in the 1999 elections (but which also includes 38 unelected members of the military), became a forum for vigorous debate of government policy and practice during the year. The Parliament frequently challenged the authority and policies of the executive branch, and in mid-July formally exercised its right to summon President Wahid to respond to questions about his actions. The MPR, which consists of the Parliament, 130 elected regional representatives, and 65 appointed functional group representatives, held its first annual session in August; previously the MPR ordinarily had met every 5 years to elect the President and Vice President and to consider other matters reserved for the MPR. Severe criticism of President Wahid's performance led the MPR in August to issue a decree mandating the President to cede additional authorities over daily governance to Vice President Megawati as stipulated in a subsequent presidential decree. This decision has not appeared to alter significantly the power relationship between the President and Vice President. During its August session, the MPR amended the 1945 Constitution to, among other changes, incorporate human rights protections modeled on the U.N. Universal Declaration of Human Rights, although human rights activists expressed concern that a constitutional amendment prohibiting retroactive application of laws could be used to shield past human rights violators from prosecution. The Constitution provides for an independent judiciary; however, it remains subordinated to the executive and suffers from pervasive corruption.

The 275,000-member armed forces (TNI) are under the supervision of a civilian defense minister but retain broad nonmilitary powers and an internal security role, and are not fully accountable to civilian authority. The military and police jointly occupy 38 appointed seats in the DPR reserved for the security forces, as well as 10 percent of the seats in provincial and district parliaments. During the first half of the year, political leaders considered phasing out reserved seats for the security forces in the DPR and MPR. The security forces agreed to relinquish their appointed seats in the national and regional legislatures in 2004, but the MPR adopted a decree during its August session that extended the security forces' presence in the MPR until the year 2009. In March President Wahid signed a decree abolishing the Agency for Coordination of Assistance for the Consolidation of National Security (BAKORSTANAS), which had given the security forces wide discretion to detain and interrogate persons who were perceived as threats to national security. In July President Wahid signed a decree removing the national police force of 175,000 members from the supervision of the Minister of Defense and providing for civilian oversight. This step, in addition to the formal separation of the police from the armed forces in 1999, was intended to give the police primary responsibility for internal security. Notwithstanding these changes, the military continues to play a substantial internal security role in areas of conflict, such as Aceh, the Moluccas, and Irian Jaya. Both the TNI and the police committed numerous serious human rights abuses throughout the year.

The economy, which is market-based with a significant degree of government intervention, increased by

approximately 3.5 percent during the year, following a more than 13 percent decline in real terms in 1998 and no real growth in 1999. Industrial exports grew strongly, particularly in labor-intensive textile, electronics, wood products, and other light manufacturing industries based on the densely populated islands of Java and Bali. Underemployment remained high at approximately 19 million persons. Over 40 percent of the adult working population is employed in agriculture, which in Java, Bali, and southern Sulawesi primarily involves rice and other food crops but elsewhere concentrates on cash crops such as oil palm, rubber, coffee, tea, coconut, and spices. Per capita gross domestic product among the population of 211 million was \$580 in 1999, well below the levels achieved before the severe economic downturn that began in July 1997. The downturn affected most severely the urban poor, particularly in Java, partly as a result of a wholesale shift in employment from the higher-paying formal sector to the less secure informal sector. The negative impact of the economic and financial downturn was smaller in less populated, natural resource-rich Kalimantan, Sulawesi, and Sumatra. Large disparities in the distribution of wealth and political power contributed to social tensions across the country and continued to create demands for greater regional autonomy. In response, the Government prepared for the implementation of two potentially significant 1999 laws providing for greater political and economic decentralization and for revenue sharing among the country's provinces and districts.

The Government's human rights record was poor, and the overall human rights situation worsened during the year, despite the Wahid Government's efforts to continue the country's democratic transition and permit the exercise of basic freedoms. Security forces were responsible for numerous instances of, at times indiscriminate, shooting of civilians, torture, rape, beatings and other abuse, and arbitrary detention in Aceh, West Timor, Irian Jaya (also known as Papua or West Papua), the Moluccas, Sulawesi, and elsewhere in the country. TNI personnel often responded with indiscriminate violence after physical attacks on soldiers. They also continued to conduct "sweeps" which led to killing of civilians and property destruction. The Government and the leaders of the Free Aceh Movement members signed an agreement in May providing for a humanitarian pause in the fighting between them, beginning on June 2. During the pause, both sides agreed not to undertake offensive operations or maneuvers. Initially the humanitarian pause greatly reduced violence in Aceh, but by September violence had returned to roughly pre-pause levels. Army forces, police, and GAM members committed numerous extrajudicial killings. In Irian Jaya (Papua) police shot and killed persons involved in Papuan independence flag-raising or demonstrations on a number of occasions, even when these demonstrations were nonviolent. There continued to be credible reports of the disappearance of dozens of civilians, including Jafar Siddiq Hamzah, a nongovernmental organization (NGO) activist, and Tengku Hashiruddin Daud, an Acehnese Member of Parliament. Both later were found dead with indications of torture. East Timorese prointegration militias resident in West Timor, armed and largely supported by the army, were responsible for numerous acts of violence in West Timor directed at local West Timorese residents and international aid workers, including the murder of three U.N. High Commissioner for Refugees (UNHCR) officials in Atambua in September. The militias made repeated crossborder raids into East Timor, which resulted in the deaths of two U.N. Peacekeeping Force personnel. In West Timor, the militias attacked and threatened UNHCR and other humanitarian aid workers throughout the year, leading to the withdrawal of international aid workers on several occasions, intimidated East Timorese internally displaced persons (IDP's) and the local population in West Timor, and destroyed property belonging to international organizations. Twenty-four army personnel received jail sentences of 8 to 10 years in May for the massacre of 58 civilians in Beutong Ateuh, West Aceh, in July 1999. However, the most senior military officer involved in the incident inexplicably disappeared after the convictions. In response to past abuses, joint civilian-military courts and various other investigative bodies are pursuing several other cases involving army and police officers, but aside from the Beutong Ateuh, West Aceh case, no other cases were brought to trial. Security forces systematically employed arbitrary arrest and detention without trial in Aceh. The Government has not prosecuted any persons in connection with the militia-related crimes in West or East Timor dating back to 1999, although the Attorney General in September and October named 23 persons as suspects in East Timor human rights cases (one of whom was killed in early September).

Rapes and sexual exploitation by security forces continued to be a problem, particularly in West Timor. Prison conditions are harsh. Despite initial steps toward reform, the judiciary remains subordinate to the executive, suffers from corruption, and does not always ensure due process. Security forces infringe on citizens' privacy rights. The Government generally respects freedom of speech and the press; however, journalists continued to suffer intimidation and assaults. The Government places significant controls on freedom of assembly, but allowed most demonstrations to proceed without hindrance during the year, except in Aceh and Irian Jaya. Security forces sometimes resorted to excessive force in order to disrupt peaceful demonstrations. There were numerous credible reports that police assaulted persons detained in Irian Jaya after violent clashes, and police detained persons for organizing peaceful independence flag-raising. The Government generally respects freedom of association, although the Communist Party remains banned. The Government legally provides for religious freedom for five designated religions; unrecognized religions are subject to restrictions. The Government continues to restrict freedom of movement to a limited extent. Thousands of Acehnese residents fled their villages during conflicts between the security forces and separatists. The army, East Timorese militias in West Timor, and militant groups in Maluku also forced the relocation of hundreds of thousands of persons. In West Timor, the Government's failure to disarm and disband the East Timorese prointegration militias impeded the repatriation or resettlement of thousands of East Timorese IDP's.

Domestic human rights organizations continued to play a significant role in advocating improved human rights conditions; however, the authorities continued to subject some NGO's to monitoring and interference, and in August in Jakarta, unknown persons allegedly kidnaped, held, and threatened a group of agrarian activists for 2 weeks before releasing them. Violence and discrimination against women are widespread problems. Child abuse and child prostitution are problems, and female genital mutilation (FGM) persists in some areas. Discrimination against the disabled, and against indigenous, religious, and ethnic minorities also are widespread problems. Interreligious violence, particularly in the Moluccas, claimed over 3,000 lives, and thousands of Christians in Maluku were forced to convert to Islam. Discrimination against ethnic minorities continued. Attacks against houses of worship continued, and the lack of an effective government response to punish perpetrators and prevent further attacks led to allegations of official complicity in some of the incidents.

During the year the Government ratified International Labor Organization (ILO) Convention 182 on the worst forms of child labor, enacted a new law on trade unions, and continued to allow new trade unions to form and operate. Nonetheless, enforcement of labor standards remains inconsistent and weak in some areas. Millions of children work, often under poor conditions. Forced and bonded child labor remains a problem, although the Government continued to take steps during the year to remove children from fishing platforms, on which bonded child labor most commonly occurs. Trafficking of persons into and from the country for the purpose of prostitution and sometimes for forced labor is a problem.

The Government was ineffective in deterring social, interethnic, and interreligious violence that accounted for the majority of deaths by violence during the year. Enforcement of the law against criminal violence deteriorated, resulting in religious groups purporting to uphold public morality, and mobs dispensing "street justice" operated with impunity.

In Aceh dozens of lowlevel civil servants, police, and military personnel were murdered and abducted during the year. Private non-Acehnese residents also sometimes suffered attacks. It generally is believed that separatists carried out many of these, and other, killings. In Irian Jaya, mobs killed over 20 migrant settlers and wounded scores of others on October 6 and 7 after police opened fire on indigenous Papuans resisting the removal of Papuan independence flags. Unknown attackers killed two police members and a security guard in Abepura, Irian Jaya, on December 7, and two timber workers near the Irian Jaya-Papua New Guinea border on December 9. Police blamed both attacks on the Free Papua Organization (OPM) although local human rights groups believe that groups with ties to the security forces were involved.

The DPR enacted landmark legislation establishing a human rights court, and deliberated on and debated other draft legislation with human rights implications, such as a bill on broadcasting. In January President Wahid issued Presidential Decree No. 6, which repealed the ban (passed in 1967) on the practice of Chinese religion (Confucianism), beliefs, and customs. Ethnic Chinese celebrated New Year's openly for the first time in over 30 years.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Historically, politically-related extrajudicial killings have occurred most frequently in areas where separatist movements were active, such as Aceh, Irian Jaya and East Timor, and security forces continued to employ harsh measures against separatist movements in these areas. In addition security forces killed unarmed demonstrators, and there also were numerous instances of reported extrajudicial killings by security forces in cases involving alleged common criminal activity.

In Aceh army and police personnel committed many extrajudicial killings and used excessive force or directed force against noncombatants in an attempt to quell separatist movements; at times the police and army forces were responding to rebel attacks. On February 9, in Cot Merbo village, North Aceh, TNI troops shot and killed four Acehnese civilians, whom the military claimed were GAM guerillas. On March 10, police shot and killed two apparently unarmed men at a police checkpoint near Banda Aceh. Police later stated that the two men were members of GAM and were shot while fleeing the scene. According to a TNI spokesperson, on March 12, TNI troops shot and killed three armed separatists after they resisted arrest and fired shots at the troops in Bate Pila, North Aceh. On May 17, police shot and killed a civilian in Cunda, a village north of Lhokseumawe. According to police, he was shot after he attempted unsuccessfully to steal a police officer's revolver from his holster at a checkpoint. Other witnesses confirmed that the man fled the checkpoint; however, they denied that there was a struggle over the gun and instead claimed that the police chased and caught the man, and then executed him. On May 17 and 18, police killed eight villagers in Hagu Barat Laout, North Aceh. Police claimed that the eight villagers were armed separatist guerillas; local residents claim that all the victims were

fishermen and that they were watching a soccer match when, without provocation, the police attacked. In November police and army troops attempting to prevent Acehese from attending a rally calling for a referendum on Acehese independence killed over 20 persons in the provincial capital of Banda Aceh (see Section 2.b.). On December 6, three Acehese humanitarian workers with the NGO Rehabilitation Action For Torture Victims in Aceh (RATA) were killed at close range near Lhokseumawe (see Section 4). A survivor of the shooting said that a group of Acehese government collaborators and plainclothes military personnel shot the victims. Police arrested 11 persons, including 3 policemen and 4 soldiers, in connection with the RATA killings; they remained in detention at year's end. There were numerous other instances of excessive force by the military and police during the year that went unpunished.

During the year there were numerous extrajudicial killings in Aceh that could not be clearly attributed to either the security forces or to the armed separatist movement, the Free Aceh Movement. According to domestic NGO's and press reports, 636 persons were killed in Aceh during the year, 494 of whom were civilians and 142 of whom were police or military members. On January 24, Tengku Nashiruddin Daud, an Acehese representative to the DPR, disappeared in Medan, North Sumatra. His body was found outside Medan on January 25, and family members identified it on January 30. Nashiruddin had advocated strongly for the trial of military officers accused of human rights violations in Aceh; he also was opposed to an independent Aceh. Police had made no progress in identifying Nashiruddin's killers by year's end. The body of Sukardi, a volunteer with the Bamboo Thicket Institute, a local environmental and human rights organization based in Aceh, was found on February 1, after he was reported missing the day before. On April 6, unknown persons shot and killed a female doctoral candidate at Aceh's Syah Kuala University. On May 27, eight armed men abducted Sulaiman Ahmad, a TNI lieutenant colonel, and hanged him. On May 29, unknown persons shot and killed a TNI lieutenant in a videostore in Geudong, Aceh. On August 5, foreign-resident Acehese NGO activist Jafar Siddiq Hamzah disappeared in Medan. His body was found on September 4, along with four other unidentified bodies southeast of Medan. All bodies had multiple stab wounds and bruises. Police had made no progress in identifying the perpetrators of the killings by year's end. On September 16, unknown persons shot and killed Tengku Safwan Idris, rector of the Ar-Raniry State Islamic Institute, at his home in Banda Aceh. Police investigated the murder but were unable to identify the perpetrators.

In Irian Jaya (Papua) police shot and killed persons involved in largely peaceful Papuan independence flag-raising or demonstrations on at least 6 occasions, injuring numerous persons and killing at least 33 (see Sections 1.c., 2.a., and 5). For example, Police Mobile Brigade (Brimob) troops opened fire on a group of Papuans who were raising a Papuan Independence Flag in Sorong, Papua on the morning of August 22. Three Papuans were killed and at least 12 others were injured; 1 policeman was injured. After the police failed to persuade the crowd to disperse peacefully heated arguments broke out between the Papuans and the police. Some sources allege that police then began firing their weapons; two other sources allege that members of the crowd began a scuffle and threw stones first. However, all sources agree that the police overreacted and began firing indiscriminately into the crowd. The incident was similar to a series of police reactions to flag-raising over the past 2 years, although the number of victims was significantly higher in this case. On October 6, police killed six persons in Wamena, Papua, who resisted police efforts to take down Papuan flags. At least 20 other persons were injured (see Section 5). Police and Papuans clashed in Merauke on November 3 and 4. Reports indicate that 5 Papuans died of gunshot wounds and another Papuan died of stab wounds; police injured at least 17 other Papuans. The circumstances of the incident are unclear. According to police, Papuans injured several persons and damaged non-Papuan property during the incident (see Section 5). Police killed two Papuans during a clash in Fak Fak on December 1. Police and Papuans clashed again in Merauke on the morning of December 2, and police fired into a crowd, shooting and killing seven Papuans and injuring at least eight others. After a December 7 attack on a police station in Jayapura, police killed 3 persons, and detained and beat over 100 others (see Section 5). On December 18, troops shot and killed four Papuans near Tiom, Papua, after the Papuans shot arrows at the soldiers, killing one soldier.

East Timorese prointegration militias based in West Timor, who, according to credible reports, continued to be armed and supported by the army, committed numerous extrajudicial killings. On July 24, approximately eight militia members shot, killed, and mutilated a New Zealand U.N. peacekeeper near Suai, East Timor, where the U.N. unit was patrolling the East/West Timor border area. On July 30, East Timorese IDP's from TNI Battalion 744 killed Bernard Loddo, a resident of Kupang, West Timor. On August 10, East Timorese militias killed a Nepali U.N. peacekeeper and wounded three other peacekeepers and one East Timorese civilian near Suai. On September 6, a mob of East Timorese IDP's led by militia members attacked UNHCR offices in Atambua, West Timor and killed three international UNHCR staff members, then mutilated and burned their bodies. Security forces that were assigned to protect the UNHCR office failed to prevent the militia forces from attacking and left the area before the militia's second attack on the building, when the three UNHCR workers were killed. In December authorities began to process for trial six suspects linked to the attack; at year's end, authorities had not detained any other suspects.

According to credible reports, security forces in the Maluku island chain, especially in the centrally located island of Ambon, were responsible for some of the shooting deaths that occurred during widespread riots and communal clashes throughout the year. Despite claims to the contrary, there was no credible evidence to

suggest that the security forces as an institution supported one side or the other during the violence (see Sections 2.c. and 5).

In March a foreign citizen disappeared while in the custody of immigration officials in East Kalimantan; the citizen continued to be presumed dead at year's end. Immigration officers detained him for overstaying his visa in November 1999. In March the foreigner was being transferred from Kalimantan to Jakarta on an inter-island ferry when he allegedly jumped overboard and drowned. Government officials waited over 2 weeks before informing his government of his disappearance. No disciplinary action was taken against the immigration personnel responsible for his disappearance and presumed death, and there were no developments in the case by year's end.

The police on several occasions used deadly force to disperse demonstrators. For example, in Medan, North Sumatra on May 1, police shot and killed two students at Nommensen University after crowds took two police hostage and threw Molotov cocktails during a demonstration to protest the detention of another student. On June 14, in Pontianak, West Kalimantan, police shot and killed one student during a demonstration in front of the governor's office. On June 18, in Blitar, East Java, police shot and killed two persons involved in a long-running protest and land dispute at a plantation. On June 21, in Porsea, North Sumatra, police reportedly shot and killed one person during a clash with demonstrators. On July 20, in Muara Enim, South Sumatra, police shot and killed one person during a demonstration by farmers over land rights. On September 27, in Bondowoso, East Java, police killed five persons in a crowd that was demanding the release of a detainee in police custody.

The police often employed deadly force in apprehending suspects or dealing with alleged criminals, many of whom were unarmed. During the year police shot and killed at least 15 Africans suspected of trafficking in narcotics. Other nationalities were not subjected to similar harsh treatment in narcotics or other criminal cases, suggesting that the killings were racially motivated. In response to criticisms that the methods used were unjustifiably harsh and amounted to execution without trial, police generally claimed that the suspects were fleeing, resisting arrest, or threatening the police. Complete statistics about the number of these cases were not released by year's end (see Section 5).

The military or police rarely are held accountable for committing extrajudicial killings or using excessive force, and with the exception of the 24 soldiers who were convicted for the death of 58 civilians in Aceh in July 1999, no government personnel were held accountable during the year. However, during the year, the Government initiated and continued an unprecedented number of investigations into human rights cases in Aceh, East Timor, and other areas of the country.

In July 1999, the Government appointed an independent commission (KPP Aceh) to investigate human rights violations in Aceh. In November 1999, the Commission recommended that the Government investigate five cases of alleged human rights violations. On April 17, the trial of 24 army personnel and a civilian, who all previously were convicted for the killing of 58 civilians in Beutong Ateuh in July 1999, began; however, none of the accused was above the rank of lieutenant colonel. During the trial, soldiers testified that they had killed civilians but argued that they were not guilty of murder because they were following their commanders' orders. The commander reportedly disappeared; however, NGO's reported a subsequent sighting of him in the company of other military officials. The trial ended in May when the 24 defendants received sentences of 8 to 10 years. By year's end, no one had been charged in the other four cases, which include: the May 1999 massacre at Krueng Geukeu, North Aceh; the February 1999 attack on demonstrators that resulted in seven persons killed in Idi Cut, East Aceh; a series of killings and abductions at a detention facility in Pidie from 1997-98; and an August 1996 rape of Sumiati, an Acehnese woman, by a soldier.

There were no new developments during the year in the killings that occurred when security forces broke up a peaceful proindependence demonstration in Biak, Irian Jaya in 1998.

The Commission for Investigation of Violations of Human Rights in East Timor (KPP-HAM) delivered its report of human rights violations in East Timor to the Attorney General's Office on January 31. The Attorney General said that his office would initially prosecute five major cases arising from the April 6, 1999 massacre in Liquisa; the April 17, 1999 killings at independence leader Manuel Carrascalao's house; the September 5, 1999 attack on the compound of the Catholic Diocese in Dili; the September 6, 1999 massacre of priests and displaced persons at a church in Suai; and the September 21, 1999 killing of Dutch journalist Sander Thoenes. The Attorney General's Office named 23 suspects in September and October (one of whom, an East Timorese militia commander, militia members killed in early September). Those accused included several army and police generals, but did not include then-Armed Forces Commander General Wiranto, former Armed Forces intelligence chief Zacky Anwar Makarim, and other senior members of the military leadership who were named as responsible parties in the KPP-HAM report. Progress on these five cases was slow, and the number of suspects named was small in comparison to the number of persons believed responsible. Although Indonesian authorities were assisted greatly in their investigation by the U.N. Transitional Administration in

East Timor (UNTAET), the Government did not cooperate fully in December when UNTAET requested similar support for its own investigations into the atrocities.

In November the national police spokesman announced that the police would summon for questioning by military police 11 policemen who were suspected of involvement in the May 1998 shooting deaths of 4 students at Trisakti University in Jakarta; however, none of the 11 policemen had been questioned by year's end. In December the Parliament formed a special committee to conduct an investigation of the Trisakti killings.

The police conducted an investigation of the July 27, 1996 attack on the headquarters of the Indonesian Democratic Party (PDI), questioning the top army and police leadership at the time. A joint police/military team subsequently questioned witnesses and potential suspects, and by November had begun submitting cases to the Attorney General's Office for prosecution (see Section 1.b.).

The East Java police reopened an investigation into the 1993 murder of labor activist Marsinah, questioning again over a dozen witnesses and previous suspects, including civilians and army and police personnel. In December the East Java police chief said Australian laboratory tests confirmed that Marsinah's blood had been found in the home of the owner of the factory where Marsinah worked and in a van believed to have transported her to the place where she was found. However, by year's end, there was no further action on the police investigation.

In February the National Human Rights Commission (KOMNASHAM) formed a commission to investigate the September 1984 killing of scores of demonstrators by security forces at Tanjung Priok, Jakarta. The commission questioned senior army and police officials, exhumed mass graves where victims were buried, and reported the investigation results, including names of 23 persons considered to be responsible for the killings, to the Attorney General in October (see Sections 1.c. and 4).

There were no new developments during the year in the shooting deaths of at least nine demonstrators at Atma Jaya University in November 1998.

On March 14, President Wahid went on national television and asked for forgiveness for the 1965-67 massacre of suspected members of the banned Indonesian Communist Party (PKI), and for the role of his organization, Nahdlatul Ulama, in the killings. In November researchers from the Indonesian Institute for the Study of the 1965-66 Massacre unearthed the remains of 24 persons in a forest near Wonosobo, Central Java. They are believed to have been killed in March 1966 because of their PKI affiliation.

Citizens' attacks on other citizens caused the majority of killings during the year.

In Aceh armed separatist groups killed many soldiers, police, civil servants, and local residents throughout the year. On January 1, a mob surrounded a TNI sergeant who was buying fish in a market in Simpang Tiga, Pidie, Aceh and stabbed him to death. According to press reports, on January 6, the bodies of two men who had been shot to death were found wrapped in separatist flags and left on a roadside in Muara Dua, North Aceh. On April 5, alleged GAM members killed four TNI personnel in an ambush near Lhokseumawe. GAM has claimed responsibility for a July 2 attack in Nissam district, North Aceh, in which assailants killed three Brimob members and wounded six others. On September 20, GAM forces attacked a police post in Pidie with a grenade launcher, killing three soldiers.

On October 6 and 7, in Wamena, Irian Jaya, members of Papuan "task forces" (Satgas Papua--informal private security organizations of Papuan men and youths that ostensibly provide protection for Papuan tribal and other leaders and groups), and other Papuans armed with knives, spears, and arrows killed at least 24 non-Papuans, after security forces opened fire on and killed 2 task force members who resisted efforts to take down Papuan independence flags flying in the town. Unknown persons killed two police officers and a security guard in Abepura, Irian Jaya, on December 7, and two timber workers near the Irian Jaya-Papua New Guinea border on December 9. Police blamed both attacks on the Free Papua Organization (OPM) (see Section 5). On December 16, Papuans reportedly attacked soldiers with traditional weapons near the town of Tiom, killing one soldier and injuring three others. The soldiers responded with gunfire.

According to multiple sources, over 3,000 persons were killed, largely because of their religious identity, in North Maluku, Maluku, and Central Sulawesi provinces in the eastern part of the country. The fighting in all three provinces had political, economic, ethnic, and religious overtones (see Sections 2.c. and 5). While initial conflicts emerged over land tenure issues and the political and economic status of local residents versus migrants, in many cases the conflicts later evolved into highly-charged religious clashes. One of the major factors contributing to the continuation of violence in these islands was the failure to bring the perpetrators to

justice (see Sections 2.c. and 5); another factor was the failure of the authorities to prevent armed militants from traveling in large groups to the Moluccas from Java.

Interreligious fighting in the Moluccan island group, which began in Ambon in January 1999, spread to most major islands in the Moluccas during the year. Christian and Muslim groups used increasingly sophisticated weapons as the fighting continued, causing over 3,000 deaths and destroying many churches, mosques, and, in some cases, entire towns. The level of violence intensified in late 1999 and in the early part of the year after Christian gangs and militia (and to a lesser extent, Muslim gangs and militia) attacked isolated villages in Halmahera and other parts of North Maluku. During the first 6 months of the year, and following the December 1999 attacks by Christians, Muslim militias drove Christian populations away from many areas of North Maluku and Maluku provinces (see Section 2.d.). As IDP's fled to neighboring areas and islands, their resentment against those who had attacked them often sparked conflict in their new places of residence. In addition unverified reports of provocations and conspiracies fueled the continuous cycle of violence. The violence decreased in Ambon in late January, after security forces began enforcing a curfew and disarming civilians. At the same time, mutually-destructive fighting escalated in Halmahera and other parts of North Maluku. By April there were some signs of reconciliation in Ambon after the provincial government established reconstruction programs and markets in border areas between Muslim and Christian communities. However, in late April, serious rioting broke out immediately following a visit by Vice President Megawati Soekarnoputri. There was a further upsurge in violence in mid-May after boats filled with members of the Laskar Jihad, Muslim militants from Java, arrived in Ambon and other parts of the Moluccas (see Section 5). As many as 2,000 to 3,000 militants ultimately arrived via boat. Law and order continued to deteriorate steadily, and in late June, violent mobs stormed through Ambon city with little or no security force interference. There also were large-scale Muslim attacks against Christians in Halmahera in May and June. The level of violence decreased, particularly in North Maluku, after President Wahid declared a state of civil emergency in both provinces in late June (see Section 2.d.); the state of emergency still was in effect at year's end. However, violent interreligious clashes continued occasionally during the remainder of the year, especially in Ambon and neighboring islands in central Maluku.

Beginning in late May, the area of Poso in Central Sulawesi, and numerous villages in the region experienced renewed religious riots and violence, resulting in numerous deaths and widespread destruction. Christian gangs from surrounding villages reportedly expelled Muslims from the town of Poso in retaliation for past hostilities, which included the burning of hundreds of Christians' houses in the preceding months (see Section 2.d.). In the most serious incident, Christian gangs killed over 100 unarmed Muslims in a small village outside Poso. In July the regional military commander announced that 211 persons had been confirmed dead in and around Poso; other estimates ranged as high as 500 fatalities. Both Christian and Muslim outsiders were accused of instigating the violence (see Sections 2.c. and 5).

Over 30 persons were killed in a series of bombings in Jakarta and Medan during the year (see Sections 1.c. and 5). Ten persons died when a car-bomb exploded in the basement of the Jakarta Stock Exchange on September 13, two persons died in a car bomb incident near the gate of the Philippine Ambassador's residence, and several others were killed in bombings in Medan. Eighteen persons died in an apparently coordinated series of bombings at or near churches in nine cities on the night of December 24 (see Sections 1.c. and 5). Except for the case of the Stock Exchange bombing, no suspects had been apprehended by year's end.

According to press reports, during the year 145 persons accused of committing crimes (usually theft or responsibility for vehicular accidents) were killed by mobs of persons on the scene of the alleged crimes in the most populous urban areas of Jakarta, West Java, East Java, and North Sumatra. Countrywide statistics were not available at year's end.

In Kalimantan interethnic clashes resulted in killings on at least two occasions. In Kumai, Central Kalimantan, four persons died in fighting between indigenous Dayaks and Madurese migrants (originally from the island of Madura near Java) in July. In Pontianak, West Kalimantan, at least 11 persons died in fighting between ethnic Malay and Madurese in October. Sectarian violence between Dayaks and Madurese migrants erupted on December 16 in Central Kalimantan. According to official news agency reports, about 100 Dayaks attacked and burned approximately 20 migrant houses. The attacks were in reprisal for a number of unsolved killings of Dayaks, allegedly committed by Madurese. An estimated 50,000 Madurese who fled their homes during interethnic violence in 1999 (see Section 5) remained in IDP camps in West Kalimantan.

During the year, there were a number of reports of killings of persons who practice traditional magic ("dukun santet") (see Section 5). In the Malang area of East Java, police reported to the press that unknown persons killed 10 persons suspected of being dukun santet. There also were reports of killings of dukun santets in West and Central Java. In February in West Java, police arrested 12 persons suspected of participating in the killing of 7 dukun santet. Police acknowledged in November that at least 20 villagers in the Cianjur area of West Java had been executed for allegedly practicing traditional magic. Police arrested 20 persons suspected

of involvement in the killings in November. However, none of the cases had come to trial by year's end.

b. Disappearance

According to a report issued by the Committee for Missing Persons and Victims of Violence (KONTRAS), 843 persons still are missing as a result of military operations, land disputes, and political and religious activities over the past 20 years.

In Aceh there continued to be credible reports of the disappearance of many civilians. KONTRAS reported in December that 53 cases of forced disappearance involving 69 persons had occurred between January 1 and the end of November. Three prominent Acehnese disappeared in Medan, North Sumatra: Member of Parliament, religious leader, and human rights activist Tengku Nashiruddin Daud in January; armed separatist spokesman Ismail Syahputra in June; and NGO activist Jafar Siddiq Hamzah in August. Nashiruddin's and Jafar's bodies later were found, bearing signs of torture (see Section 1.a.); Syahputra remained missing at year's end. NGO's allege that TNI forces or police personnel are responsible for many cases of civilian disappearances.

There were no developments in the investigation into the causes of death or the identification of the remains of 32 bodies found floating around Biak, Irian Jaya in July 1998 after navy and police forces broke up a proindependence demonstration. Multiple reports claimed that many of the bodies were demonstrators who had been detained and then killed while in custody.

There were no developments in the numerous disappearances of persons in East Timor in 1999 and in earlier years.

Four members of the Agrarian Reform Consortium (KPA), an NGO based in Bandung, West Java that advocates for dispossessed farmers, claimed that they were kidnaped at gunpoint by unknown persons on August 14. Their alleged abduction came after police forcibly removed them from a demonstration and hunger strike that they were conducting inside the Parliament building in Jakarta. They claimed that after several days in solitary confinement they were driven to different locations and interrogated at length about their organization's activities, finances, and aims. They said that they were not tortured physically, but that their lives and those of their families and colleagues frequently were threatened. Their captors released them on August 27. Police opened an investigation into the kidnaping, but were unable to identify the perpetrators (see Sections 1.e. and 4).

There were no developments in the case of 12 persons who disappeared (and are presumed dead) in Java during a series of kidnapings of opponents of the Soeharto regime carried out by Army Special Forces (Kopassus) personnel in 1997 and 1998. However, the police conducted an investigation into the 1996 PDI incident in which 16 persons disappeared, and submitted cases to the Attorney General's Office (see Section 1.a.). No new information emerged on the fate of the 16 missing persons by year's end.

In Aceh armed separatists often abduct army members, police personnel, civil servants, and others, although they do not always acknowledge responsibility for these incidents. Militia groups are believed to have killed some civilians based on suspicions that they were collaborators or informants of the security forces.

In Irian Jaya, the six plantation employees who were abducted in July 1999 near Arso remained missing.

Kidnaping of children for ransom is a recent and reportedly growing phenomenon. In October a man was arrested for kidnaping three children from wealthy families living in the Jakarta area; one child was murdered after his parents failed to pay the ransom.

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

The Criminal Code makes it a crime punishable by up to 4 years in prison for any official to use violence or force to elicit a confession; however, in practice legal protections are both inadequate and widely ignored, and security forces continued to employ torture and other forms of mistreatment, particularly in regions where there were active security concerns, such as Aceh and Irian Jaya. Police often resort to physical abuse, even in minor incidents.

In Aceh army and police officials routinely use excessive force and violence when investigating attacks by armed separatists. Police and army personnel also routinely respond to attacks on soldiers by engaging in indiscriminate violence against bystanders. For example, on March 18, Brimob units beat and otherwise

abused at least 20 villagers in Gulampang Tiga, Pidie district, apparently while searching for a prominent GAM leader. In August after a soldier was shot in Idi Rayeuk's central market, troops fired indiscriminately, beat many bystanders, and burned over 60 market stalls. Soldiers beat or shot over 100 persons during the incident, including 3 children who were shot. An army commander later publicly apologized for the troops' actions; however, there were no reports of personnel being held accountable for the Idi Rayeuk incident. In October police allegedly shot 1 man and burned 150 market stalls after rebels attacked police in the regency of Pidie. Police denied responsibility for the shooting and burning.

There were numerous credible reports that the army and police continued routinely to torture detainees in Aceh. For example, on August 27, police detained three local workers of the international NGO Oxfam, and beat them while they were detained. According to Amnesty International, police pulled out one worker's fingernails and burned him with cigarettes. Amnesty International also reported that on September 5, in Meukek subdistrict, Brimob detained Amrisaldin, a volunteer worker with the humanitarian organization SAVE Emergency for Aceh (SEFA). Police released Amrisaldin on September 6, after they reportedly punched him, kicked him, and slashed him with a knife. Police allegedly also threatened him with death and burned his pubic, chest, and armpit hair with matches. On September 19, in Banda Aceh, police arrested three leaders of the student NGO Aceh Referendum Information Center (SIRA) and beat them with rifle butts, cables, and belts while they were in custody (see Sections 1.d. and 4). Methods of torture documented in the past include beating, whipping, electric shock, and rape.

There were numerous credible reports that police assaulted persons detained in Irian Jaya after violent clashes in Wamena in October, Merauke in November, and Jayapura in December. In the Jayapura case, police detained and beat, often severely, over 100 persons following an attack on a police station, including 19 persons between the ages of 7 and 18. Two Papuan students died of injuries inflicted by the police, and a third student was shot and killed (see Sections 1.a. and 5).

On March 7, in an isolated area of North Aceh's Matangkuli subdistrict, a group of armed men in army fatigues raped 4 women and sexually molested 12 others; they also beat severely 6 men and robbed their families; no persons had been charged by year's end. The trial for the rape of Sumiati, an Acehnese woman allegedly raped by a TNI soldier, did not begin by year's end; Sumiati's rape case is one of five human rights trials that the special commission was scheduled to hear (see Section 1.a.). No charges were brought in the August 1999 rape of nine Acehnese women in Kecamatan Tangse Selatan, Pidie district, for which TNI soldiers allegedly were responsible.

There are allegations that prointegration East Timorese militias in West Timor are holding East Timorese women as "sex slaves" (see Section 5). In November 33 pregnant East Timorese women returned to East Timor and claimed that the TNI had abducted them and forced them to serve as their sex slaves in West Timor. No one was held accountable for the numerous acts of rape and sexual abuse that TNI-supported militia groups perpetrated against displaced East Timorese women in 1999.

On June 17, a mob of approximately 65 East Timorese IDP's assaulted UNHCR staff, including UNHCR West Timor Director Craig Sanders, at the Noelbaki camp near Kupang. One demonstrator smashed the windshield of the vehicle in which Sanders was riding with a machete. No UNHCR staff members were injured. Although the security forces were present, they did not intervene to prevent the violence. The army apprehended nine suspects and handed them over to the police, who promptly released them without taking any action.

In January the Minister of State for Women's Empowerment said that the Government would follow up on the recommendations of the joint factfinding team (TGPF) that investigated the May 1998 civil unrest that struck Jakarta and other cities. The team's report, issued in November 1998, found evidence that some elements of the army may have been involved in provoking the violence, which included attacks against Sino-Indonesian women, and urged further investigation of the at least 85 instances of violence against women that the team verified. However, no further investigations have taken place (see Section 5).

There were instances in which security forces responded with brutality to peaceful demonstrations, although they usually allowed peaceful demonstrations to proceed without resorting to force. In January police wounded 13 persons, some with gunshots, when they forcibly dispersed persons protesting inadequate compensation for land acquired for a resort on Bintan Island near Singapore. In at least six instances in Irian Jaya during the year, police attempted to break up peaceful demonstrations in which Papuans raised the Papuan independence flag, and when Papuans resisted, police responded with excessive force, killing and injuring demonstrators (see Sections 1.a., 2.a., 2.b., and 5).

Security forces often responded forcefully when demonstrators wielded canes, threw stones or Molotov cocktails, or tried to break through police lines. Such responses occurred on several occasions during the year when demonstrators sought to approach former President Soeharto's residence to protest the Government's

failure to bring him to justice for his actions while in office.

KONTRAS reported that during the first 11 months of the year, the police were responsible for 872 serious human rights violations nationwide, the bulk of them in Aceh province. Police violations included 26 instances of forced disappearance, 140 extrajudicial killings, 408 cases of torture or inhumane treatment, and 298 arbitrary detentions. According to KONTRAS, joint police and military operations were responsible for an additional 64 violations, and the armed forces themselves were responsible for 21 violations.

Police entered and caused property damage to the building housing the Indonesian Legal Aid Foundation (YLBHI) and Jakarta Legal Aid Society (LBH) on two occasions in which they pursued demonstrators who sought refuge in the LBH building. Police broke windows and damaged cars with rocks, nightsticks, and bullets during the incidents.

In May a group of approximately 55 East Timorese persons ransacked the Jakarta office of the NGO People's Solidarity with East Timor (Solidamor), injuring two Solidamor staff members, one of whom required hospitalization. The attackers smashed office equipment, smeared blood on the porch, and stole approximately \$2,400 (Rp. 22.8 million) in cash from the office. Police detained four of the attackers for 24 hours, but no attackers were charged.

On July 1, a group of East Timorese IDP's vandalized several West Timorese schools approximately 12 miles outside Kupang, near Oesau. They reportedly were unhappy with the low school grades their children had received. Later the same day a group of East Timorese militia members wearing camouflage and ninja masks, armed with grenades and possibly automatic weapons, burned 16 buildings that housed over 40 West Timorese families in Oesau. Local residents believe that the attackers were former soldiers from East Timorese territorial infantry battalions 744 and 745.

On August 22, East Timorese militias beat and severely wounded two UNHCR staff members at the Naen camp near Kefamenanu, West Timor. The UNHCR staff had been invited to the camp to distribute shelter supplies when a machete-wielding man attacked them and a mob stoned them.

A series of bombings occurred in Jakarta, Medan, and other cities during the year (see Section 1.a.). Targets included churches in Medan (see Section 5), the Attorney General's Office in Jakarta, the Philippines Ambassador's residence, the Malaysian Embassy, a bus near the building where former President Soeharto's corruption trial was held, the Jakarta Stock Exchange, the office of KONTRAS (see Section 4), the Jakarta Governor's residence, and a Jakarta hotel. An apparently coordinated series of bombings at or near churches in 9 cities on the night of December 24 killed 18 persons and wounded numerous others (see Sections 1.a., 2.c., and 5). Except for the case of the Stock Exchange bombing, no suspects were apprehended by year's end.

In June the Islamic Defenders' Front (FPI) attacked and vandalized KOMNASHAM's office to protest the Commission's findings following an investigation of the 1984 Tanjung Priok killings (see Sections 1.a. and 4). FPI members, who alleged that "immoral" activities were occurring within the establishments, openly ransacked restaurants and nightclubs in several neighborhoods of Jakarta, injuring patrons of the establishments in the process. No FPI members were investigated or charged, despite the fact that criminal trespass and vandalism are violations of the Criminal Code. Several Islamic groups threatened Western persons and conducted "sweeping" operations at hotels and other public venues in Solo, Central Java, in late October and early November to drive such persons out of the city. Police questioned members of Islamic groups about these threatening activities, but no further action was taken against the perpetrators.

Prison conditions are harsh, with mistreatment and extortion of inmates by guards and violence among prisoners common. The incidence of mistreatment drops sharply once a prisoner is transferred from police or military custody into the civilian prison system or into the custody of the Attorney General. Credible sources report that criminal prisoners in some facilities are beaten routinely and systematically as punishment for infractions of prison rules and to extract information about other prisoners. Punishments have included the use of electric-shock batons and the stapling of the ears, nose, and lips. In June a dispute between prisoners led to rioting by hundreds of inmates at the Bulak Kapal Prison east of Jakarta. Prison guards shot and wounded five inmates, and prisoners stabbed two guards during the incident. Prison authorities acknowledged that overcrowding was a factor in the riot (the prison was built for 300 inmates but held 531 persons at the time). In July police questioned three prison guards at Jakarta-area prisons who were suspected of drug trafficking in the prisons. Former inmates at Jakarta's Cipinang Prison told the press in November that drug use among prisoners is common, and that inmates can obtain drugs, better treatment, and better conditions by bribing guards.

The Government generally does not permit routine prison visits by human rights monitors, although some visits

occasionally are permitted.

The International Committee of the Red Cross (ICRC) was able to visit identified prisoners and detainees of concern during the year (see Section 4).

d. Arbitrary Arrest, Detention, or Exile

The Criminal Procedures Code contains provisions against arbitrary arrest and detention, but it lacks adequate enforcement mechanisms, and authorities routinely violate it. The code specifies that prisoners have the right to notify their families promptly and that warrants must be produced during an arrest except under specified conditions, such as when a suspect is caught in the act of committing a crime. The law authorizes investigators to issue warrants to assist in their investigations or if sufficient evidence exists that a crime has been committed. However, authorities sometimes made arrests without warrants.

The law presumes that defendants are innocent and permits bail. They or their families also may challenge the legality of their arrest and detention in a pretrial hearing and may sue for compensation if wrongfully detained. However, it virtually is impossible for detainees to invoke this procedure, or to receive compensation after being released without charge. In both military and civilian courts, appeals based on claims of improper arrest and detention rarely, if ever, are accepted. The Criminal Procedures Code also contains specific limits on periods of pretrial detention and specifies when the courts must approve extensions, usually after 60 days.

The authorities routinely approve extensions of periods of detention. In areas where active guerrilla movements exist, such as Aceh and Irian Jaya, there are many instances of persons being detained without warrants, charges, or court proceedings. Bail rarely is granted. The authorities frequently prevent access to defense counsel while suspects are being investigated and limit or prevent access to legal assistance from voluntary legal defense organizations. Special laws on corruption, economic crimes, and narcotics are no under the Criminal Code.

In March President Wahid abolished the Agency for Coordination of Assistance for the Consolidation of National Security (BAKORSTANAS), which had operated outside the legal code and had wide discretion to detain and interrogate persons who were perceived as threats to national security.

Security forces frequently detained participants suspected of inciting demonstrations, although most were released after questioning (see Section 2.b.). In November police in East Kalimantan arrested Wuaya Kawilarang, a regional coordinator for the Indonesian Prosperity Trade Union (SBSI), for investigation of charges that he incited workers at a large oil and gas operation to violence. He remained in detention at year's end (see Section 6.b.).

There are no reliable data on the number of arbitrary arrests or detentions without trial, particularly in Aceh and Irian Jaya, but there is ample evidence that arbitrary arrests and detention without trial are employed systematically in Aceh.

During the year several Acehnese were detained pending trial on political charges. Police arrested Muhammad Nazar, the chairman of the Information Center for a Referendum in Aceh (SIRA), on November 20 on charges of inciting hatred (see Sections 1.a. and 4). He remained in detention at year's end.

Police detained numerous persons in Irian Jaya after violent clashes in Wamena in October, Merauke in November, and Jayapura in December (see Sections 1.a., 1.c., and 5). In March the regional police command for Irian Jaya investigated criminal charges against 16 leading members of the Papuan Presidium Council for crimes against the security of the state and public order, based on claims that they had organized a gathering of Papuan community leaders in February and a peaceful Papuan independence flag-raising on December 1, 1999. The investigation against some of the 16 persons later was dropped; however, in November police arrested the chairman, secretary general, and three other Papuan Presidium Council members on the same charges (see Sections 2.a. and 5). On December 1, police arrested seven persons during a demonstration in front of a foreign embassy to draw attention to human rights violations in West Papua (Irian Jaya) and to press for an international dialog to resolve the Papuan issue. Four of the detainees remained in police custody at year's end. On December 15, police detained the director of the Institute of Human Rights Study and Advocacy in Papua (ELS-HAM Papua) for 22 hours (see Section 4). In mid-December, 17 Papuan activists went on trial in Wamena on charges of endangering state security by promoting separatism. The trial was continuing at year's end.

Several foreign tourists have been subject to arbitrary arrest and detention while traveling in Irian Jaya. In most cases, travelers who take photographs are accused of being journalists without proper journalist visas

and are detained and deported. In one case, a person was held without formal charges for 2 weeks before being deported; although no formal charges were filed and he never was served with a deportation order, high-ranking government officials publicly alleged of espionage at the time of his deportation, although they later retracted these accusations. In December police arrested a foreign journalist who did not have the proper visa (see Section 2.a.).

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for the independence of the judiciary; however, in practice the judiciary is subordinated to the executive and the military. Pursuant to a 1999 law, a gradual transfer of administrative and financial control over the judiciary from the Department of Justice to the Supreme Court is taking place over a period of 5 years. However, judges currently are civil servants employed by the executive branch, which controls their assignments, pay, and promotion. Low salaries encourage widespread corruption, and judges are subject to considerable pressure from governmental authorities, who often exert influence over the outcome of numerous cases.

A quadripartite judiciary of general, religious, military, and administrative courts exists below the Supreme Court. The right of appeal from a district court to a high court to the Supreme Court exists in all four systems. The Supreme Court does not consider factual aspects of a case, only the lower courts' application of the law. The Supreme Court theoretically is an equal branch in relation to the executive and legislative branches, but it does not have the right of judicial review over laws passed by Parliament.

A panel of judges conducts trials at the district court level, which consists of posing questions, hearing evidence, deciding guilt or innocence, and assessing punishment. Initial judgments rarely are reversed in the appeals process, although sentences can be increased or reduced. Both the defense and the prosecution may appeal cases.

In November the DPR enacted a law establishing a permanent human rights court. The law, mandated by the 1999 Human Rights Law (Law 39/99), creates four new district courts to adjudicate gross violations of human rights. The law requires that each of the five-member human rights courts include three human rights judges appointed to 5-year terms by the President upon nomination by the Supreme Court. Although cases are appealed to the standing High Court and Supreme Court, the law requires that those courts include three human rights judges on an ad hoc basis on the five-member panel when hearing human rights cases. The law provides for internationally-recognized definitions of genocide, crimes against humanity, and command responsibility as core elements of gross human rights violations. However, it does not include war crimes as defined in the 1949 Geneva Conventions as a gross violation. The law strengthens the powers of the Attorney General, who is the sole investigating and prosecuting authority in cases of gross human rights violations, and who is empowered to appoint ad hoc investigators and prosecutors. The law also empowers the Attorney General (as well as the courts) to detain suspects or defendants for multiple fixed periods in cases of gross human rights violations. However, the law requires the extension of any detention of alleged violations to be approved by the human rights court. For gross human rights violations that occurred before the enactment of the law, the law allows the President, with the recommendation of the DPR, to create an ad hoc bench within one of the new human rights courts to hear cases associated with a particular offense.

Defendants have the right to confront witnesses and to produce witnesses in their defense. An exception is allowed in cases in which distance or expense is deemed excessive for transporting witnesses to court; in such cases, sworn affidavits may be introduced. State prosecutors are reluctant to use existing legal powers to plea bargain with defendants or witnesses, or to grant witnesses immunity from prosecution. As a result, witnesses generally are unwilling to testify against the authorities. The courts commonly allow forced confessions and limit the presentation of defense evidence. Defendants do not have the right to remain silent and can be compelled to testify against themselves.

The Criminal Procedures Code gives defendants the right to an attorney from the time of arrest, but not during the prearrest investigation period, which may involve prolonged detention. Persons summoned to appear as witnesses in investigations do not have the right to legal assistance even if information developed during testimony subsequently becomes the basis of an investigation of the witness. The law requires counsel to be appointed in capital punishment cases and those involving a prison sentence of 15 years or more. In cases involving potential sentences of 5 years or more, an attorney must be appointed if the defendant is indigent and requests counsel. In theory indigent defendants may obtain private legal assistance, such as that provided by the Indonesian Legal Aid Foundation. However, in practice defendants often are persuaded not to hire an attorney, or access to an attorney of their choice is impeded.

In many cases, procedural protections, including those against confessions coerced by the security forces or police, are inadequate to ensure a fair trial. Corruption is a common feature of the legal system, and the payment of bribes can influence prosecution, conviction, and sentencing in civil and criminal cases.

Despite the beginning of the transfer of administrative and financial control over the judiciary from the Department of Justice to the Supreme Court, there were few signs of judicial independence. The Courts continued to be used to take action against, or deny legal remedy to, political activists and government critics.

During the year, victims of human rights violations sought for the first time to use the courts to obtain redress. In July the People's Democratic Party sued former President Soeharto and 13 other former senior officials for damages associated with the imprisonment of party leaders, the banning of the party, and the destruction of its property. The suit still was being heard at year's end. In addition four members of the Agrarian Reform Consortium (KPA) sued the police in Jakarta for forcibly removing them from a peaceful demonstration and hunger strike that they were conducting inside the Parliament building in Jakarta. After being forcibly removed, they later were kidnaped and threatened by unknown persons (see Sections 1.b. and 4). A district court dismissed the suit, but an appeal to the High Court still is pending.

President Wahid released all remaining political prisoners from the Soeharto and Habibie eras in December 1999. No new persons were convicted on political charges during the year.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

Judicial warrants for searches are required except for cases involving suspected subversion, economic crimes, and corruption; however, security agencies regularly made forced or surreptitious entries into homes and offices. In August a person claiming to be a representative of an international organization entered the Jakarta office of an international NGO involved in media issues and took a laptop computer but no other valuables. Unknown persons also surreptitiously entered the residence of the NGO's director and made intimidating telephone calls to staff members. The circumstances of these incidents suggested that members of the security forces were involved. Security forces also commonly engage in surveillance of persons and residences and selective monitoring of local and international telephone calls without legal restraint.

The Government and DPR discussed implementing the Law on Overcoming Dangerous Situations, which the DPR approved in September 1999 but which the President never signed. The law would allow the military to conduct search and seizure operations for weapons during a declared state of emergency without a warrant but would require that such searches be reported to the courts within 24 hours. In November the Cabinet decided to further postpone implementation of the law to permit additional discussion and possible amendments.

Government security officials monitor the movements and activities of former members of the Indonesian Communist Party (PKI) and its front organizations, especially persons whom the Government believes were involved in the abortive 1965 coup. These persons and their relatives sometimes are subjected to surveillance, required check-ins, periodic indoctrination, and restrictions on travel outside their city of residence. They also are required to have official permission to change their place of residence. The requirement that "E.T." ("Ex-Tapol" or political prisoner) be stamped on the identification cards of these prisoners was ended officially in 1995, although in practice it continued to be used in many cases. At least some individuals who had E.T. stamped on their identity cards were able to have the stamp removed. This stamp has been used by the Government to monitor the activities of these persons, allowing the Government and prospective employers to identify alleged former PKI members, thereby subjecting them to official and unofficial discrimination. Even when the stamp has been removed, these former political prisoners continue to face discrimination and restrictions on employment.

Under the government-sponsored transmigration program, large numbers of persons were moved voluntarily from overpopulated areas to more isolated and less developed areas (this program began during the Dutch colonial period and has been carried out more or less continuously since then). It also was used to resettle local populations within East Timor and Irian Jaya. However, the Government reduced its support after the economic downturn that began in mid-1997, and in December Minister of Manpower and Transmigration Alhail Hamdi announced that since August the Government had stopped sending transmigrants between islands. He said that henceforth the Government only would support transmigration within the same province. Human rights monitors state that in general the transmigration program violates the rights of indigenous people and deceives some transmigrants into leaving their home villages without any means of return. Human rights activists also have claimed that a number of those resettled are persons who have been forced off lands that are coveted by developers who have collusive arrangements with the Government or security forces. Conditions at some relocation sites are life-threatening, with inadequate measures to protect the transmigrant population against diseases endemic to the sites. In June 68 transmigrant families left their camp in Bonggo

subdistrict, Irian Jaya, because of poor living and agricultural conditions, disease, and inadequate support from the Government. They told the Legal Aid Society in Jayapura, where they took refuge, that 39 families at the site were suffering from severe malnutrition, and that lack of health care facilities contributed to a high disease and mortality rate. Police detained several of the transmigrants briefly, calling them "provocateurs" when meeting with NGO's and the press to discuss their situation. Transmigrants and migrants outside of the Government's transmigration program received direct and indirect government support in the form of developmental assistance programs and contracts with the TNI or local government officials. This practice, particularly in Irian Jaya and parts of Kalimantan, led to resentment among indigenous populations, whose members believed that their rights were infringed upon and that they were being discriminated against in the disbursement of development funds to other newly arrived groups that they perceived to be their economic rivals (see Section 5).

The Government used its authority, and at times intimidation, to appropriate land for development projects, particularly in areas claimed by indigenous people, and often without fair compensation (see Section 5).

The Government prohibits the import of Chinese-language publications (see Sections 2.a. and 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The 1945 Constitution contains a general provision for freedom of expression that was strengthened by the MPR's amendment of the Constitution in August, and the 1999 law on human rights provides for substantive protection of press freedom (see Section 1.d.); however, journalists continued to suffer intimidation and assaults. The Alliance of Indonesian Journalists (AJI) revealed that police had assaulted journalists 105 times during the first 10 months of year.

In 1999 the Parliament enacted a press law that provides for freedom of the press, prohibits censorship, and prescribes penalties for anyone who violates these rights. However, the law requires the press to report events and opinions "with respect to religious and moral norms of the public," and to adhere to the presumption of innocence. Press companies that violate this provision can be fined up to \$55,000 (Rp. 500 million). Advertising that degrades the dignity of certain religions or creates disorder among diverse religions, is contrary to public morality, refers to addictive substances or displays cigarettes, is prohibited. The law established a Press Council to create and enforce a code of journalistic ethics. The Council consists of journalists nominated by journalist associations, representatives of press companies, and public figures nominated by journalists and press companies. President Wahid signed a decree in May that appointed members of the Council. The 1999 law replaced previous press laws that were viewed as being more restrictive of press freedom.

On December 3, in Irian Jaya, police arrested a Swiss reporter, Oswald Iten, for photographing a clash between separatists and security forces in the province and detained him on suspicion of violating the country's immigration laws by reporting without a press visa (see Section 1.d.). Police threatened Iten with a 5-year jail term. They released him on December 14.

In September the Film Censor Board (LSF) issued a circular to television stations stating that recorded talk shows that discuss social and political topics must be reviewed by the Board before they are broadcast. Media figures and legal experts said that the circular had no legal standing because it conflicted with the 1999 Press Law, which forbids censorship of the press. Some observers called for the abolition of the LSF.

During the year, the media often exercised press freedom with detailed and aggressive reporting on corruption, political protests, national unrest, the trials of former President Soeharto and members of his family, public debate between President Wahid and the DPR, and the DPR and MPR sessions. Domestic press and television coverage of West and East Timor highlighted the statements of government officials and prointegration leaders, and uncritically conveyed the government (prointegration) view on most issues, in many cases actively seeking to discredit UNTAET. However, the media did provide extensive coverage of the findings of the Attorney General in East Timor (see Sections 1.a, 1.c., 4, and 5). UNTAET's versions of events and reports of abuses by the militias appeared occasionally.

Since the abolition of the Department of Information in 1999, most editors believe that the Government no longer requires a license to publish a newspaper or magazine because there no longer is a controlling body to receive reports.

The Government operates a nationwide television network with 12 regional stations. Private commercial

television networks, most with ownership by, or management ties to, former President Soeharto's family, continued to flourish. All are required to broadcast government-produced news, but they also broadcast news and public affairs programming independently. Television networks increased their news coverage during the year, including extensive coverage of the DPR and MPR sessions.

Over 1,000 private radio broadcasting companies exist in addition to the Government's national radio network. They all were required to belong to the government-sponsored Association of Private Radio Stations in order to receive broadcast licenses. The Government radio station, Radio Republik Indonesia (RRI), produces the program "National News." Private radio stations and 53 regional government network affiliates relay the news programming throughout the country.

Regulations issued by the Government in 1998 reduced the number of compulsory government RRI programming broadcasts from 14 to 4 per day. While private radio stations in the provinces generally adhered to the Government's requirement, many private radio stations in larger urban areas broadcast the RRI program only once per day. The regulations allowed stations to produce their own news programs, and many have done so. Candid live coverage of demonstrations and other breaking stories increased markedly during the year. Moreover, "talk radio" call-in programs regularly address timely political and socioeconomic issues.

Foreign television and radio broadcasts are readily accessible. Satellite dishes and cable television networks have proliferated throughout the country, and there is unrestricted access to the Internet. The Government made no effort to restrict access to satellite programming and has proclaimed an "open skies" policy. Foreign periodicals circulate widely without censorship. The authorities have delayed distribution of publications by a day or more, although this is rare. The Government restricts the import of Chinese-language publications and music (see Sections 1.f. and 5). There are seven locally-published Chinese language newspapers. In November a new independent television station, Metro TV, began broadcasting 2 hours of news in Mandarin per day. The program was the first Chinese-language television broadcast in the country since 1965.

The Government regulates access to the country by visiting and resident foreign correspondents, particularly to areas of unrest. It occasionally reminds the latter of its authority to deny requests for visa extensions. Special permission is necessary for foreign journalists to travel to Aceh and Irian Jaya. In February in West Timor, police detained three Portuguese television journalists for 3 days and harassed them before forcing them to leave the country. In June the Government lifted the ban on travel to the country of a foreign-based NGO representative and an international newsmagazine reporter.

The Government requires a permit for the import of foreign publications and videotapes, which must be reviewed by government censors. Significant amounts of material bypass customs and censorship procedures.

Most books by the prominent novelist and former political prisoner Pramoedya Ananta Toer remain banned, although some are in circulation. According to a study published in the newspaper Kompas, from 1969 to 1998 the Government banned 199 books, approximately 50 percent for religious reasons, 30 percent for political reasons, and 20 percent for ideological reasons. However, bookshops--especially "alternative bookstores" at university campuses and cultural centers--openly sell many new and newly reprinted titles. The Government banned no additional books during the year; however, protests from Islamic groups prompted a publisher to remove books by the religious philosopher Anand Krishna from bookstores. Media and human rights NGO's criticized the calls to withdraw the books from circulation as a violation of freedom of expression.

The 1999 law on crimes against the State (see Section 1.d.) prohibits persons from disseminating or developing the teachings of communism, or from seeking to eliminate or replace the state ideology of Pancasila in a way that causes harm to persons or property.

In January police and TNI troops began rounding up youths in South Aceh and ordering them to take down proreferendum banners and to clean referendum graffiti off of streets and walls. The investigation against some of the 16 persons later was dropped. In Aceh security forces shot and wounded a youth in August who was suspected of displaying the Free Aceh Movement (GAM) flag on the country's independence day (August 17). In early December a police officer in Aceh announced a ban on the flying of the Free Aceh Movement flag, and said that the police would deal harshly with those who defied the ban.

During the first 6 months of the year, the Government generally tolerated the flying of Papuan independence flags in Irian Jaya. In March the police investigated charges against 16 persons for crimes partly related to their support of a peaceful Papuan independence flag-raising on December 1, 1999. However, in late September new National Police Chief Suryo Bimantoro ordered all Papuan independence flags to be taken down, and police efforts to remove flags forcibly sparked violent clashes with Papuans (see Sections 1.a., 1.c., 1.d., and 5). In November the regional police command for Irian Jaya revived criminal charges against five

Papuan Presidium Council leaders for crimes against the security of the State and public order, based in part on evidence that they had organized a peaceful Papuan independence flag-raising.

The law provides for academic freedom, and there are no significant constraints in practice on the activities of scholars. Political activity, open discussions, and blunt criticism of the Government at universities continued to flourish during the year.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government places significant controls on the exercise of this right. The Government promulgated regulations in 1995 that eliminated the permit requirements for some types of public meetings; however, a requirement to notify the police remained in effect for most other meetings, and in practice many public meetings were dispersed forcibly, sometimes with lethal force (see Sections 1.a. and 1.c.). The vast majority of public gatherings and demonstrations, which have proliferated rapidly since President Soeharto's resignation in 1998, occurred without any official interference.

The 1998 law on freedom of expression requires that demonstrators notify the police 3 days in advance and appoint someone accountable for every 100 demonstrators. The law restricts demonstrations near specific sites. Nevertheless, frequent demonstrations are held in Jakarta and around the country with or without official permission. The Government previously had invoked the law to detain and try demonstrators in Jakarta and elsewhere; however, no such trials occurred during the year. Participants in several demonstrations were killed and suffered injuries when security forces seeking to disperse crowds shot, beat, and kicked demonstrators (see Sections 1.a. and 1.c.). In November police and army troops who were attempting to prevent Acehnese from attending a rally in Banda Aceh calling for a referendum on Acehnese independence killed over 20 persons (see Section 1.a.). Police also broke up several peaceful demonstrations in Irian Jaya. In at least six instances, police broke up peaceful demonstrations in which Papuans raised the Papuan independence flag and, after demonstrators resisted, killed and injured many demonstrators (see Sections 1.a., 1.c., 2.a., and 5).

In January police wounded 13 persons while forcibly dispersing persons who were protesting inadequate compensation for land that the Government appropriated for a resort on Bintan Island (see Section 1.c.).

The Constitution provides for freedom of association; however, the Government places significant controls on the exercise of this right. The 1985 Social Organizations Law (ORMAS) requires the adherence of all organizations, including recognized religions and associations, to the official ideology of Pancasila. This provision, which limits political activity, is widely perceived to be designed to inhibit the activities of groups that seek to engage in democratic political competition, to make Indonesia an Islamic state, to revive communism, or to reintroduce partisan ideological division into the country. It empowers the Government to disband any organization that it believes to be acting against Pancasila, and it requires prior government approval before any organization can accept funds from foreign donors.

The Government announced late in 1995 its intention to relax a regulation requiring police approval for all meetings of five or more persons of all organizations outside offices or normal work sites. However, in practice this regulation continues to apply to union meetings (see Section 6.a.).

The 1999 Law on Crimes Against the State (see Sections 1.d. and 2.a.) prohibits the formation of organizations that "are known to or are properly suspected" of embracing the teachings of Communism/Marxism/Leninism "in all its forms and manifestations."

c. Freedom of Religion

The Constitution provides for religious freedom for members of five out of six officially-recognized religions and belief in one supreme God, and the Government generally respects these provisions; however, there are some restrictions on certain types of religious activity, including unrecognized religions.

Although the population is over 85 percent Muslim, the practice and teachings of five out of six officially-recognized religions generally are respected, and the Government actively promotes mutual tolerance and harmony among them. The law states that the Government "embraces" Islam, Protestantism, Catholicism, Buddhism, Hinduism, and Confucianism. Presidential Decree 6/2000, promulgated in January, repealed the ban on the practice of Chinese religion (Confucianism), its beliefs, and its customs (Presidential Decree 14/1967). After the January passage of Presidential Decree 6/2000, Confucianists were permitted to celebrate publicly the Chinese New Year for the first time in over 30 years. A Ministry of Interior Circular (No. 477/805), issued in late March, permits Confucianism to be listed as a religion on marriage license applications, allowing

Confucian marriages to be recognized and registered officially in the country. However, not all communities have implemented the new guidelines. While the law formally "embraces" only these religions, it explicitly states that other religions, including Judaism, Zoroastrianism, Shintoism, and Taoism are not forbidden. The Government permits the practice of the mystical, traditional beliefs of "Aliran Kepercayaan." Some religious minorities, including the Baha'i and Rosicrucians, were given the freedom to organize in May when Presidential Decree 69/2000 revoked Presidential Decree 264/1962, which had restricted their activities. The MPR adopted a Human Rights Charter in 1998 that provides citizens the freedom to practice their religion without specifying any particular religion.

A 1976 decision by the Attorney General, reinforced by a separate decision by the same office in 1978, banned Jehovah's Witnesses from practicing their faith. Open practice of the faith remains banned, and members report that they continue to experience difficulty registering marriages, enrolling children in school, and in other civil matters. Jehovah's Witnesses claim that Trinitarian Christians instigated the Government bans. Mainstream Christian leaders have influenced government policy to be biased against more conservative Christians.

Members of the Bahai faith did not report problems during the year. The Government in some provinces has banned the messianic Islamic sect Darul Arqam; the Government also bans the Al-Ma'Unah school in some provinces. The Government closely monitors Islamic groups considered to be deviating from orthodox tenets, and in the past has dissolved some groups. Historically, the Government has tried to control Muslim groups whose practices deviate from mainstream Islamic beliefs because of pressure by nongovernmental leaders of mainstream or conservative/traditional Muslim groups as well as the Government's concern for national unity. A proposal to implement Islamic law failed to gain the MPR approval in August. President Wahid voiced strong opposition to the proposal, arguing that its implementation would threaten national unity.

The legal requirement to adhere to Pancasila extends to all religious and secular organizations. Because the first tenet of Pancasila is belief in one supreme God, atheism is forbidden. Although individuals are not compelled to practice any particular faith, all citizens must be classified as members of one of the officially recognized religions. As this choice must be noted on official documents, such as the identification card, failure to identify a religion can make it impossible to obtain such documents. The Government strongly opposes Muslim groups that advocate establishing an Islamic state or acknowledging only Islamic law.

President Wahid has continued to emphasize harmony, tolerance, and mutual respect among different religious communities. Other high-level officials continued to make public statements and emphasized by example the importance of respect for religious diversity. However, some lower level officials continued to show reluctance to facilitate and protect the rights of religious minorities.

Religious violence and the lack of an effective government response to punish perpetrators and prevent further attacks led to allegations that officials were complicit in some of the incidents or, at a minimum, allowed them to occur with impunity. There were numerous instances of attacks on churches, mosques, temples, and other religious facilities during the year (see Sections 1.a. and 5). The most widespread interreligious violence occurred in the Moluccas, where well over 100 houses of worship were damaged or destroyed and thousands of persons were killed as Christians and Muslims engaged in mutually-destructive violence. On Keswuii and Teor Islands in Maluku, hundreds of Christians converted to Islam in November and December to save their lives (see Section 5). The Government continued to be reluctant to intervene in mob attacks on houses of worship and proved ineffective in controlling the violence in North Maluku and Maluku provinces; however, governmental efforts to respond to communal violence in the provinces of Sulawesi generally were more effective (see Section 5).

In North Maluku and Maluku provinces, Christian sources alleged that elements of the security forces were biased against them. For example, predominantly Muslim units dispatched from Java and Sulawesi allegedly sided with Muslim vigilantes and used excessive force against Christians. In other instances, security forces appeared to be biased against Muslims. Muslims on Ambon claimed that members of the predominantly Christian police force sided with their coreligionists. However, there was no evidence to suggest that the security forces, as an institution, supported either. Some individuals and some units occasionally sided with their coreligionists, but their actions appeared to be random and contrary to orders. Some military troops were detained and interrogated for allegedly openly siding with militia in at least one episode on Haruku; however, there were no reports that such perpetrators ever were punished. Several hundred police officers have themselves been attacked and some even killed because of their religion; hundreds of police members and their families, and numerous other government officials, are among the country's IDP's.

The Government formed a special interagency team to investigate the December 24 bombings on Christian churches, and an NGO has formed a joint fact-finding team with the Government to investigate the Christmas Eve church bombings (see Sections 1.a., 1.c., and 5).

According to many Christian officials, the anti-Christian sentiment behind the violence in the Moluccas, Sulawesi, and elsewhere is not new, but the impunity associated with such acts is. They claim that such impunity has contributed significantly to the attacks that have occurred since Soeharto resigned in May 1998. The Government did not investigate fully most cases of attacks on religious facilities that occurred during riots, and in other cases, did not investigate such incidents at all.

A 1969 regulation provides that before a house of worship may be built, consent must be obtained from local residents living near the site, and a license must be obtained from the regional office of the Department of Religion. Some Christians claim that this regulation is used to prevent them from building churches and rebuilding damaged religious facilities. Despite these alleged problems, the building of churches continued.

The law allows conversion between faiths, and such conversions do occur. Independent observers note that it has become increasingly difficult to obtain official recognition for interfaith marriages between Muslims and non-Muslims. Persons who are not members of one of the five accepted religions also have difficulty in obtaining official recognition of their marriages.

The Government views proselytizing by recognized religions in areas heavily dominated by another recognized religion as potentially disruptive and discourages it. Foreign missionary activities are relatively unimpeded, although in Irian Jaya, and occasionally elsewhere, missionaries have experienced difficulties and delays in renewing residence permits. In addition visas allowing the entrance of new foreign clergy are difficult to obtain. Laws and decrees from the 1970's limit the number of years that foreign missionaries may spend in the country; some extensions were granted in remote areas like Irian Jaya. Foreign missionary work is subject to the funding stipulations of the Social Organizations Law.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law permits the Government to bar persons from either entering or departing the country, and the Government continued to restrict freedom of movement to a limited extent. In 1999, according to Department of Justice information quoted in the press, the Government maintained a list of 3,665 foreigners who are barred from entering the country, and 417 citizens who are prohibited from leaving the country. Five prominent Papuan leaders who were barred from leaving the country in August 1999 (see Section 5) subsequently were allowed to travel abroad; however, some of them only were able to travel after foreign governments made high-level representations on their behalf.

The Government also restricts movement by citizens and foreigners into and within parts of the country. The 1999 Law on Overcoming Dangerous Situations (see Section 1.f.) also would allow the military to limit land, air, or sea traffic, to prohibit migration into and out of areas, to order relocation of persons outside areas, and to order house arrest in a declared state of emergency. However, this law has not been signed by the President and still is under discussion in the DPR.

The Government must approve the assignment of staff members of foreign institutions that implement technical cooperation programs, including NGO's, before they are allowed to enter the country. Foreign consultants and foreign assistance staff, particularly those working in sensitive parts of the country such as Aceh, Irian Jaya, and the Moluccas, must be cleared by the Intelligence Coordination Agency (BAKIN) before their assignments can be approved by the State Secretariat (see Section 4).

On June 23, President Wahid announced a ban on all travel to Maluku and North Maluku provinces; however, the ban was not enforced effectively. On June 26, the President declared a state of civil emergency for both provinces. The emergency decree, originally in place for 90 days, was extended indefinitely (see Sections 1.a., 1.c., 2.c., and 5).

The Government requires that individuals obtain permits to work in certain areas, primarily to limit further population movement to crowded cities. Special permits are required to visit certain parts of Irian Jaya. Although former political prisoners associated with the abortive 1965 coup no longer are officially required to carry the stamp "E.T." on their identity cards, in many cases, the stamps have not been eliminated in practice (see Section 1.f.). Among other restrictions, some former prisoners still are required to obtain permission from security and intelligence authorities to move.

Following the August 30, 1999 consultation vote in East Timor, there was credible evidence that in a planned and orchestrated operation, the security forces forcibly removed or compelled to flee a substantial percentage of the 250,000 East Timorese who departed the territory at that time. Over 170,000 of these IDP's have returned to East Timor, but intimidation by East Timorese prointegration militia forces in the camps in West Timor continued to prevent many others from returning (see Sections 1.a. and 1.c.).

All international assistance to the IDP's in West Timor was suspended following the September 6 attack on UNHCR personnel (see Sections 1.a. and 4). The Government's failure to disarm and disband the militias created security conditions unfavorable for the resumption of international assistance. There is evidence that TNI elements have supported the militias with supplies and training, although that support apparently declined toward year's end. The Government's disarmament campaign after the September 6 killings of 3 UNHCR workers in Atambua resulted in the surrender of 103 standard issue weapons. The TNI did not confiscate any weapons by force. Estimates of the number of standard issue weapons that were not surrendered range from 100 to over 1,000. Only toward year's end did the Government begin to take steps to promote the voluntary and safe return of IDP's; for example, by agreeing to settle pension claims for some IDP's who requested repatriation, or resettlement in Indonesia. There is no evidence that the Government is returning forcibly or resettling East Timorese IDP's.

Sectarian violence in the Moluccas has displaced nearly 500,000 persons, which account for about half of the over 1 million IDP's in the country. North Maluku officials estimate that there are 197,000 IDP's escaping the conflict in North Maluku, and the Diocese of Ambon estimates that conflicts in Maluku province have generated about 289,000 IDP's.

According to the Government's IDP statistics released in August, there were over 20,000 IDP's in North Sulawesi, most of them Christians from North Maluku and Maluku provinces. However, Christian sources claim that there are 60,000 to 100,000 Christian IDP's in North Sulawesi. Since the majority of these IDP's are housed in private residences instead of camps, the Government had not included them in its official data. By mid-November, several hundred Muslim IDP's had returned to their homes in North Maluku. The North Maluku provincial government announced in mid-November that it would return about 178,000 IDP's currently in Ternate, Tidore, and parts of Halmahera to their places of origin before the Ramadan holiday began in the third week of December. However, very few returned by year's end due to Christian resistance in the areas where Muslim IDP's were going to return, and Muslim fears that they would have no means of making a livelihood and that Christians would attack them. The IDP's are almost all Muslims. Christian IDP leaders in North Sulawesi and Jakarta claim that the Government has not actively encouraged Christian IDP's, most of whom are in North Sulawesi, to return to their homes in Ternate and Tidore and other parts of North Maluku. As a result, there are no Christians in Ternate and Tidore, except for a few wealthy Sino-Indonesian Christians who were encouraged to return and international humanitarian aid workers.

There were over 58,000 IDP's in Central Sulawesi, most of whom were Muslims from Poso, Central Sulawesi. Estimates suggest that 20 percent of the Muslim IDP's from Poso may have returned to the area. Most Muslim IDP's remain in camps or other temporary settlements. There were about 17,000 IDP's in South Sulawesi and over 100,000 in Southeast Sulawesi, most of whom were Muslims from East Timor and the Moluccas.

The Government generally has encouraged and assisted foreign and domestic humanitarian aid to the Moluccas and Sulawesi (see Section 4). However, on occasion both Muslim and Christian groups have accused some foreign donors of partiality. The Government has not been particularly effective or helpful in promoting the voluntary and safe return or resettlement of the IDP's in these areas.

In East Java, police forcibly evicted to other areas persons rumored to be practitioners of magic (see Section 1.a.).

An estimated 50,000 Madurese who fled their homes during interethnic violence in 1999 remained in IDP camps in West Kalimantan and Madura (see Sections 1.a. and 5).

Throughout the year, tens of thousands of rural Acehnese temporarily fled their villages and became IDP's. In some cases, IDP's were fleeing security forces that were patrolling the area or otherwise intimidating them (see Sections 1.a. and 1.c.). In other cases, armed separatists terrorized or coerced villagers into becoming IDP's, in part to create international attention and sympathy.

Unrest in Irian Jaya caused numerous persons to leave their homes in Wamena and other areas. Many were migrants from other parts of the country and are believed to have returned to their original provinces. Several thousand Papuan refugees reside in camps in Papua New Guinea.

While the law lacks provisions for dealing with refugees/asylees in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the Government cooperates with the UNHCR, which maintains a regional office in Jakarta. There are a number of Iraqis in the country, some of whom requested and were granted refugee status by the UNHCR. In past years, the Government offered first asylum to over 125,000 Indochinese boat persons. The Galang Island camp was closed in 1996, and by the end of 1999 the last remaining asylum seekers had been repatriated or permitted to settle permanently in the country. The Government has not formulated a policy regarding asylum seekers, but in practice it has respected the

principle of not returning asylum seekers to the countries from which they fled.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In 1999 citizens for the first time successfully changed their government through an open, transparent democratic process, following decades of authoritarian rule. The People's Consultative Assembly (MPR) is constitutionally the highest authority of the State. It meets every 5 years in a "General Session" to elect the President and Vice President in separate secret ballots and to establish the "Broad Guidelines of State Policy" (GBHN), which is intended to serve as a policy plan for the Government. The MPR met in August in the first of its newly instituted "Annual Sessions," to consider constitutional amendments and policy recommendations. The 695-member MPR consists of the 500 Members of the House of Representatives (DPR), 130 regional representatives, who are elected by provincial legislatures, and 65 appointed representatives from functional and societal groups. The June 7, 1999 general election, in which 48 political parties participated, was monitored by domestic and international observers and was widely considered open, fair, and free. In October 1999, the newly installed MPR chose Abdurrahman Wahid as President and Megawati Soekarnoputri as Vice President in a transparent process, which was broadcast live on national television. The next round of general and presidential/vice presidential elections is scheduled for in 2004.

The military's significant historical sociopolitical role is to be phased out gradually. Although the police and military formally were separated in July by presidential decree (reinforced in August by an MPR decree), the two institutions continue jointly to hold 38 unelected seats in the DPR and 10 percent of the seats in provincial and district parliaments, in partial compensation for not being permitted to vote. In addition to these appointed legislative positions, active-duty military and police officers also may run for election to government office but, in a significant departure from past practice, are expected to retire (except those appointed to legislative bodies) after they are elected. Retired officers occupy important positions at all levels of government and often retain strong ties to their former institutions. The military and police have agreed to relinquish their appointed seats in the DPR and regional legislatures by 2004, but an MPR decree passed in August allows them to retain seats in the MPR until "not later than" 2009. In an apparent effort to blunt demands for an immediate end to their legislative positions, military and police legislators generally have sought to limit their involvement in matters deemed not to affect their core interests.

The legislative branch, which had no independence during the Soeharto era, has moved forcefully to establish its independence from the executive branch. A number of constitutional changes, MPR decrees, and legal changes have enhanced legislative branch authorities, raising some concerns that the balance of power may have shifted too far from the executive branch. The legislative branch has demonstrated its independence through the DPR's aggressive pursuit of its government oversight function, as well as the MPR's success in August in forcing President Wahid to cede more authority over daily government management to Vice President Megawati because of perceived inefficiency and inconsistency in the Wahid Administration's implementation of policy. During the year, the DPR exercised its right to initiate legislation occasionally, mainly due to cumbersome procedures and a lack of expertise; however, it exercised considerable influence over the final content of bills introduced by the Government.

The MPR is empowered to amend the Constitution and issue decrees, functions that it undertook in the first of its newly instituted "Annual Sessions" held in August. A key demand of the reform movement was an overhaul of the 1945 Constitution, which was perceived to have fostered the development of past authoritarian regimes. In the first amendment of the Constitution, the 1999 MPR passed curbs on executive power including a limit of two 5-year terms for the president and vice president. At the same time, the MPR empowered an ad hoc working committee to consider further amendments and to draft MPR decrees. This effort resulted in the passage of the second amendment to the Constitution during the "Annual Session" in August. Due to limited time and unresolved issues, the MPR did not produce the sweeping restructuring of state institutions many had hoped for, leaving in place inconsistencies resulting from the Constitution's blending of presidential and parliamentary characteristics. However, the second amendment did include many important changes, including provisions for protections of human rights modeled closely on the U.N. Universal Declaration of Human Rights, regional autonomy, and further separation of powers. The working committee is continuing deliberations on further constitutional reforms to be considered during the 2001 and 2002 annual MPR sessions.

The remaining 92 percent of national and 90 percent of regional parliamentary seats that are not occupied by members of the military and police are filled through elections held every 5 years. All adult citizens, except active-duty members of the armed forces, persons in prison convicted of crimes punishable by over 5 years' incarceration, persons suffering from mental disorders, and persons deprived of voting rights by an irrevocable verdict of a court of justice, are eligible to vote. Members of the banned Indonesian Communist Party (PKI) may not run for office.

International and domestic monitoring groups and the major political parties accepted the June 1999

parliamentary election as generally free and fair, notwithstanding many technical problems and irregularities, particularly in remote areas. The numerous technical problems, due to inadequate preparations and ambiguities in the regulations, included inadequate supplies of ballots and reporting forms, poor training of poll workers, confusion over procedures, and insufficient funds to pay poll workers. There were numerous, and in some cases credible, allegations of vote buying and scattered allegations of voter intimidation, particularly in rural areas. In some cases, alleged violations were referred to judicial authorities for legal action; however, in most cases, political parties reached informal solutions among themselves.

The actions of some small party representatives on the General Election Commission (KPU) contributed to a significant delay in validating election results and led to a considerable loss of public faith in the impartiality and integrity of the KPU. In June the DPR amended the 1999 election laws to establish a new and more independent KPU, which currently is being formed through a transparent process that encourages public involvement. Some observers are concerned that the new KPU secretariat will remain administratively dependent upon the Ministry of Home Affairs.

While there are no legal restrictions on the role of women in politics, they are underrepresented in government. The Vice President, Megawati Soekarnoputri, is a woman. Following the August Cabinet reshuffle, 2 of 26 ministers are women. However, there now are fewer women in the DPR and in the MPR than during the Soeharto era. Women represent less than 9 percent of DPR members, a decrease from 13 percent during former President Soeharto's last term. Nonetheless, many women activists argue that the quality of female politicians has improved. Female Members of Parliament announced in mid-October the formation of a non-partisan women's caucus. Surveys have shown that while more than one-third of civil servants are women, less than 6 percent are in positions of authority (see Section 5).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although still subjected to monitoring by and interference from the authorities, domestic human rights organizations were extremely active in advocating that the Government improve its human rights performance. They pressured the Government to investigate human rights abuses, acted as defense counsel in political trials, sought to offer assistance--and in some cases protection--to victims and witnesses of human rights abuses, and urged improvements in government policies and legislation.

At times security force members killed, abused, and detained human rights activists and humanitarian workers, most frequently in areas with active insurgencies. For example, in early August Acehese foreign-resident NGO activist Jafar Siddiq Hamzah disappeared in Medan. His body, which showed signs of torture, was found in early September (see Section 1.a.). On August 27, Brimob officers tortured three staff members of the international humanitarian organization Oxfam (see Section 1.c.). On September 5, police detained and beat a volunteer for Save Emergency for Aceh, a humanitarian organization (see Section 1.c.). During the year, police arrested three leaders of a group that advocates for a referendum on Aceh's political status, beat them while in custody, and later detained the group's chairman (see Sections 1.c. and 1.d.). On December 6, three Acehese humanitarian workers who were assisting torture victims were killed near Lhokseumawe (see Section 1.a.).

On December 15, police summoned the director of Papua's best-known human rights organization, the Institute for Human Rights Study and Advocacy in Papua (ELS-HAM), for questioning; police released him on December 16 after nearly 22 hours of questioning. The director was ordered to the station after ELS-HAM held a press conference in which it accused the police of the extrajudicial killing of three persons on December 7 (see Section 1.a.).

Four members of an NGO based in Bandung, West Java, that advocates on behalf of dispossessed farmers, claim that they were kidnaped on August 14 (see Sections 1.e. and 4). The office of the Committee for Missing Persons and Victims of Violence (KONTRAS), based in Jakarta, was attacked during a series of bombings in various areas of the country (see Section 1.c.).

Intimidation, threats, and violence toward NGO's escalated in West Timor as the year progressed, greatly hindering humanitarian operations. Intimidation by militias and outright attacks prevented numerous humanitarian organizations that sought to assist refugees in West Timor during the post-consultation period from delivering assistance, particularly around the IDP camps (see Sections 1.a. and 1.c.).

The Government must approve the assignment of staff members of foreign institutions that implement technical cooperation programs, including NGO's, before they are allowed to enter the country (see Sections 2.c. and 2.d.); some NGO's allege that the Government has used this requirement to restrict their activities, especially in sensitive areas.

The Government generally considered outside investigations or foreign-based criticism of alleged human rights violations to be interference in the country's internal affairs. In addition security forces and intelligence agencies tended to view foreign NGO's and international organizations with suspicion and distrust, particularly those operating in conflict areas. Nevertheless, the Government generally encouraged and assisted foreign and domestic humanitarian aid to the Moluccas and Sulawesi, and to other areas. However, on occasion both Muslim and Christian groups accused some foreign donors of partiality (see Section 2.d.).

The ICRC generally was allowed access to identified detainees by civilian and military officials at the central government level. In Aceh the ICRC maintained an office in Lhokseumawe and was allowed to visit known prisoners and others detained by security forces. The ICRC conducted humanitarian operations in Aceh, Central Sulawesi, Maluku, North Maluku, and East and West Timor; however, the Government sometimes hindered ICRC's access to these areas and was slow in accrediting additional staff members.

The government-appointed National Human Rights Commission (KOMNASHAM), in its 7th year of operation, continued actively to examine reported human rights violations and to demonstrate independence from the Government. During the year, Islamic and East Timorese groups physically attacked KOMNASHAM's Jakarta office because of controversy over some of the Commission's findings (see Section 1.c.). Lacking enforcement powers, KOMNASHAM attempts to work within the system, sending teams to inquire into alleged human rights problems. It employs persuasion, publicity, and moral authority to highlight abuses, to recommend legal and regulatory changes, and to encourage corrective action. The Government appointed KOMNASHAM's original chairman, who then appointed the other 24 initial Commission members.

The 1999 Human Rights Law (Law 39/1999) gave KOMNASHAM statutory authority and increased its membership to 35 members. Future members are required to serve 5-year terms and to be nominated by KOMNASHAM, confirmed by the Parliament, and approved by the President. The law gives KOMNASHAM subpoena powers and provides that disputes settled by written agreement through the Commission's mediation are enforceable in court. However, the law does not give KOMNASHAM the power to enforce its recommendations or to recommend government action. By year's end, the Commission had not appointed the new members authorized by the 1999 law.

In 1999 KOMNASHAM supported the work of the KPP-HAM and forwarded its findings to the Attorney General in late January. In February KOMNASHAM formed a commission to investigate the 1984 killing of Muslim demonstrators at Tanjung Priok, Jakarta (see Sections 1.a. and 1.c.). In August KOMNASHAM opened an office in Ambon, Maluku province. Commission members conducted an investigation into human rights violations in Irian Jaya in October following an outbreak of violence in Wamena (see Sections 1.a. and 5).

U.N. High Commissioner for Human Rights Mary Robinson visited the country from November 21 to 24. She addressed a KOMNASHAM conference on transitional justice and expressed U.N. support for training for prosecutors, judges, and defense lawyers involved in Indonesia's East Timor tribunal, requested by the Attorney General. However, the Government did not agree to extend a memorandum of understanding on the status of UNHCHR's planned assistance to, and field office in, Indonesia. The Office of the High Commissioner for Human Rights (OHCHR) program officer assigned to Jakarta completed his assignment in May and had not been replaced. At year's end, the office remained open and staffed with locals.

In response to the U.N. Security Council's (UNSC's) adoption of Resolution 1319 after the September 6 killing of three UNHCR workers in West Timor (see Section 1.a.), the Government and various political leaders initially indicated that they would oppose the actions that the UNSC mission called for in the resolution. However, the Government later invited the UNSC mission to observe the situation in West Timor and to assess the Government's compliance with the resolution. The UNSC mission, consisting of permanent representatives from five member countries, visited West Timor and Jakarta from November 14 to 17.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution does not forbid explicitly discrimination based on gender, race, disability, language, or social status; however, it stipulates equal rights and obligations for all citizens, both native and naturalized. An amendment to the Constitution adopted during the year introduces the possibility of affirmative action to achieve fair and equal treatment; however, some activists believe that because the amendment does not mention men or women specifically, it will not adequately protect women.

The Guidelines of State Policy (legal statutes adopted by the MPR) explicitly state that women have the same rights, obligations, and opportunities as men. However, guidelines adopted in the past 20 years also state that women's participation in the development process must not conflict with their role in improving family welfare and the education of the younger generation. Marriage law designates that the man as the head of the family. The Constitution grants citizens the right to practice their individual religions and beliefs; however, the

Government only recognizes six religions and imposes some restrictions on other religious activity, although some of these restrictions were lifted during the year (see Section 2.c.).

Women

Violence against women remains poorly documented. Women's rights NGO's estimate that only 15 percent of domestic violence incidents are reported. According to a legal aid organization involved in domestic violence issues, about 11 percent of rural women suffer some form of domestic violence. Experts on the subject agree that the number of incidents has risen since the onset of the country's economic downturn starting in mid-1997, which has been aggravated by social changes associated with rapid urbanization. The Government has acknowledged the problem of domestic violence in society; however, violence against women, especially when it occurs within the home, largely is perceived by the public to be a private matter and not within the purview of the Government.

Rape is a punishable offense, and perpetrators have been arrested and sentenced for rape and attempted rape, but reliable statistics are unavailable. Women's rights activists believe that rape is underreported seriously due to the social stigma attached to victims. Some legal experts report that unless a woman immediately seeks an examination at a hospital that produces physical evidence of rape, she will be unable to bring charges successfully. A witness also is required in order to prosecute for rape, and only in rare cases can a witness be produced, according to legal experts. Some women reportedly fail to report rape to police because the police do not take their allegations seriously. The maximum prison sentence for rape is 12 years, but observers claim that sentences usually are much shorter. Mob violence against accused rapists frequently is reported. An August 1999 conference of forensic experts recommended the adoption of standard procedures be adopted for examining and taking statements from rape victims, in an effort to improve the successfulness of rape prosecutions. However, by year's end, no rape investigation standards were in place, nor were uniform procedures followed.

Rape by a husband of a wife is not considered a crime under the law. Cultural norms dictate that problems between a husband and wife are private matters, and violence against women in the home rarely is reported. While police could bring assault charges against a husband for beating his wife, due to social attitudes they are unlikely to do so.

The country is a significant source, transit point, and destination for trafficking in women and children for the purpose of forced prostitution and sometimes for forced labor (see Sections 6.c. and 6.f.). It is widely alleged that TNI-backed militias raped numerous women during the 1999 violence in East Timor and kept many as sex slaves (see Section 1.c.). Kirsty Sword-Gusmao, the wife of East Timorese independence leader Xanana Gusmao, reported to the international press in November that 33 pregnant East Timorese women returned to East Timor and claimed they had been abducted and forced to serve as sex slaves for the TNI in West Timor.

Female domestic servants also are vulnerable to exploitation and abuse. In some cases, unscrupulous recruitment agencies have promised women employment as domestic servants overseas and then held them against their will for extended periods until jobs are found for them. Women working abroad as domestic servants often risk various forms of abuse, exploitation, and other cruel treatment. The Government has taken some steps to assist its citizens working abroad, but advocates charge that much more needs to be done (see Section 6.f.).

Harassment is not a crime under the law, only "indecent behavior." However, sexual harassment charges may damage a civil service career. The law reportedly only covers physical abuse, and requires two witnesses. Female job applicants and workers have complained of being victimized sexually by supervisors. Many groups criticized the 1997 Manpower Law for failing to address sexual harassment and violence against women in the workplace and for providing inadequate protection in areas of employment where women regularly suffer abuse, such as overseas employment and household service. As of year's end, the Manpower Law was undergoing extensive revisions.

In 1998 the Government, in consultation with women's NGO's, established a National Commission on Violence against Women. The Commission's mandate is to improve and coordinate government and NGO efforts to combat violence against women and to provide assistance to victims. During the year, the Commission reported that violence against women resulting from the economic crisis continued to rise.

In November 1999, a group of government officials and NGO representatives signed a declaration calling for the development of a joint strategy to end violence against women. The group drafted a 2001-2004 national action plan, which incorporates a "zero tolerance" strategy of violence against women, creates safety mechanisms to protect women against violence, and establishes new legislation to penalize perpetrators of such violence. In February the Government signed the Protocol of the U.N. Convention for the Elimination of

All Forms of Discrimination Against Women (CEDAW). However, national legislation and implementing regulations to support the action plan have not yet been enacted. The Government provided technical support, but not funding, to establish and administer a women's crisis center in a leading public hospital in Jakarta. Foreign governments have funded some of these crisis center projects.

The Government provides some counseling for abused women, and several private organizations assist women. Many of these organizations focus on reuniting the family rather than on providing protection to women. Many women rely on the extended family system for assistance in cases of domestic violence. Both public and private initiatives to assist female victims of violence were undertaken during the year. There are a small but growing number of women's crisis centers, including a drop-in center founded in Jakarta by the government-sponsored National Women's Organization (KOWANI) in 1996 and a crisis center for women in Yogyakarta that is administered by an NGO. Women's Partner (Mitra Perempuan), a crisis center for women that opened in 1997, runs a 24-hour hotline and a temporary shelter for abused women. The hotline receives several calls each day from battered women. The National Commission reports a general increase in the number of female victims of violence seeking assistance from crisis centers, attributing the increase both to a growing awareness of services and to an increase in the incidence of violence against women. Some public hospitals in Jakarta, Yogyakarta, and Surabaya have integrated crisis centers that assist and protect abused women and children. These centers are co-sponsored by the Government and the Women's Crisis Center (Pusat Krisis Perempuan). One of these centers, located in a Jakarta hospital, reported 30 cases of rape, 31 cases of domestic violence, and 37 cases of child abuse during a 4-month period during the year. Jakarta, Surabaya, and Yogyakarta police have opened "women's desks" in their precincts to assist rape and domestic violence victims and to investigate their cases.

Under the Constitution, women are equal to and have the same rights, obligations, and opportunities as men. However, in practice, women face some legal discrimination. Marriage law defines the man as the head of the family. Marriage law for Muslims, based on Shari'a (Islamic law), allows men to have up to four wives if the husband is able to provide equally for each of them. Court permission and consent of the first wife is required, but reportedly most women cannot refuse. Cabinet officials and military personnel customarily have been forbidden from taking second wives, although reportedly a few ministers in President Wahid's Cabinet have second wives. During the year, Government Regulation 10/1983, which stipulates that a male civil servant must receive the permission of his superior to take a second wife, came under considerable attack and renewed scrutiny. The Minister of State for Women's Empowerment, Khofifah Indar Parawansa, proposed that the regulation be revoked or modified, arguing that supervisors often use the regulation as leverage over subordinates and that the regulation is an embarrassment to women. She also asserted that many men avoid the regulation by establishing illicit relationships. Other women, including First Lady Sinta Nuriyah Abdurrahman Wahid, opposed revoking the regulation, arguing that it protects women. Some women's groups urged the Government to ban polygyny altogether.

In divorce cases, women often bear a heavier evidentiary burden than men in obtaining a divorce, especially in the Islamic-based family court system. Divorced women rarely receive alimony, and there is no enforcement of alimony payment. According to Shari'a, a divorced wife is entitled to only 3 months of alimony, and even alimony for this brief period is not always granted.

The 1958 Citizenship Law states that children's citizenship is based only on the citizenship of the father. Children of citizen mothers and foreign fathers are considered foreigners and require visas to remain in the country until the age of 18, at which time they may apply for citizenship. They are prohibited from attending public schools and must attend private, international schools, which usually are more expensive. There were considerable efforts during the year to change the law, but the restrictions remained.

Foreign women married to citizens also face difficulties. Their children are citizens and thus are not allowed to attend international schools unless they get special permission through the Ministry of Education. Such women usually are taxed as foreign heads of households, but they do not have property, business, or inheritance rights. There was much discussion about problems with the citizenship law, and NGO's and the Government appeared to agree that the law needed revision. However, by year's end, the Government had not taken any action to remedy these problems.

Although some women (such as Vice President Megawati Soekarnoputri) have a high degree of economic and social freedom and occupy important positions in both the public and private sectors, most women do not have such status and they constitute a disproportionately high percentage of the lower end of the socioeconomic and political scale (see Section 3). Surveys have shown that while more than one-third of civil servants are women, less than 6 percent are in positions of authority.

Female workers in manufacturing generally receive lower wages than men. Many female factory workers are hired as day laborers instead of as full-time permanent employees, and companies are not required to provide benefits, such as maternity leave, to day laborers. Women's rights activists report that there is a growing trend

in manufacturing to hire women to do work in their homes for less than the minimum wage (see Section 6.e.).

Unemployment rates for women are approximately 50 percent higher than those for men. Women often are not given the extra benefits and salary that men are given when they are the heads of households, and in many cases do not receive employment benefits for their family members, such as medical insurance and income tax deductions. Income disparity between men and women diminishes significantly with higher educational achievement. Some women's activists believe that a growing number of professional women are advancing in a variety of fields, especially in the legal profession. However, no statistics are available to support this assertion. According to a study conducted during the year, only 20 percent of top managers and affluent consumers in Jakarta are female.

Law Number 21/1999 requires that the Government to formulate national policies to forbid and eliminate discrimination (including by gender) in the workplace. However, there were no implementing regulations in effect and discrimination continued in practice.

Despite laws that provide women with a 3-month maternity leave, the Government acknowledged that pregnant women often are dismissed or replaced while on leave from their jobs. Some companies require women to sign statements that they do not intend to become pregnant. Labor laws mandate 2 days of menstrual leave per month for women, although this leave is not allowed in all cases.

Women disproportionately suffer from illiteracy, poor health, and inadequate nutrition. The illiteracy rate among women is 17 percent, compared to 10 percent among men; the national illiteracy rate average for citizens over 15 years old is 12 percent, according to a UNICEF report. The Government is making efforts to reduce the high maternal mortality rate, which is 425 per 100,000 live births, according to official figures, and as high as 650 per 100,000, according to estimates from other sources. In Irian Jaya, the maternal mortality rates is 1,025 deaths per 100,000 and in Maluku 796 deaths per 100,000 live births.

During the year, hundreds of thousands of women and children were displaced by violent conflicts in Central Sulawesi, Maluku and North Maluku provinces, West Kalimantan, Irian Jaya (Papua), and Aceh (see Section 2.d.). In addition to those directly victimized by violence, a substantial number of those displaced suffered from nutritional deficiencies and other health problems.

Women's advocacy groups remained active throughout the year. Numerous NGO-organized conferences and rallies concerned with women's issues were held, as well as some that were organized by academic institutions and government ministries.

Children

The Government has expressed a commitment to children's rights, education, and welfare, but insufficient resources prevent the implementation of such a commitment. With the abolition of the Ministry of Social Affairs in late 1999, there is no ministry that specifically addresses children's issues. In its draft budget for 2001, the Government proposed to allocate 4.7 percent of government expenditures to education, or 0.74 percent of the country's GDP. A 1979 law on children's welfare defines the responsibility of the State and parents to nurture and protect children. However, implementing regulations never have been promulgated, and the law's provisions on protection of children have yet to go into effect.

The Government allocates only 8 percent of its human resources development budget to health care. Low-cost medical care is available, although access and availability sometimes are sporadic, especially in rural areas. The results of a Ministry of Health study conducted during the year on public health services concluded that over 40 percent of the country's public health centers had no attending physicians. According to a UNICEF report issued during the year, the percentage of women and children without access to health care ranged from 20 to 50 percent, with the most limited access in rural areas and poorer provinces. Moreover, government spending on health care also has dropped in real terms due to the economic downturn. In some cases, women and children unable to pay medical bills have been detained by hospitals that maintained their own "debtors' prisons." There also were reports of hospitals refusing treatment to children suffering from malnutrition, due to insufficient resources.

According to a credible report from a local NGO, infant mortality rates nearly have doubled as a result of the economic downturn, increasing from 55 per 1,000 in 1995 to 100 per 1,000 deaths in 1998. According to UNICEF's report, 7 percent of the country's children die before they are 5 years old and 5 percent die before their first birthdays. Almost 50 percent of children grow up in unhealthy or unsafe environments. The overall use of health care facilities by children has dropped significantly since the economic downturn began in mid-1997.

Throughout the year, UNICEF continued to warn of a "lost generation" of youth as a result of the economic crisis. UNICEF estimates that 8 million preschool-age children were undernourished, which threatens the development of brain function. According to U.N. data, as many as 30 to 50 percent of the country's children under the age of 5 may be suffering from some form of malnutrition, an increase from 9.8 percent in 1995. One university source estimated that 20 million children were malnourished, an increase from 8 million in 1997. Specifically, researchers have begun to document an increase in children suffering from deficiencies of Vitamin A, iron, and protein. According to a UNICEF study released during the year, many of the country's children suffer from "hidden hunger" or malnourishment.

On an anecdotal level, the media frequently reported on instances of children dying from malnutrition or lack of treatment for the condition. Such reports were most frequent in Java, but also were reported in Sumatra and other regions.

The Government estimates that by 2001, the country will have 40 million school-aged children, about 19 percent of the country's population. A 1994 law increased mandatory education requirements from 6 to 9 years (6 years of elementary education and 3 years of junior high education). However, the law has not been implemented fully, due to a lack of government enforcement, inadequate school facilities, and insufficient financial resources of families to support children's school fees. Official and unofficial fees for public education, including payments for registration, books, meals, transport, and uniforms have become prohibitively high for many families.

According to ILO and UNICEF statistics, about 6.1 to 6.4 million children between the ages of 7 and 15 have dropped out of school since the economy plummeted in 1997. An academic source estimated in November that the current number of students not enrolled in school for that age group even was higher, about 6.8 million. According to Ministry of Education data, 11.7 million children through the age of 18 were not attending school in 1999, while the ILO estimated that 11.9 million school-aged children did not attend school during the year.

Schooling for children in areas of conflict was disrupted severely during the year. Hundreds of thousands of children in Maluku and North Maluku provinces and in Central Sulawesi fled their homes to escape violence (see Section 2.d.), interrupting their education and exposing them to malnutrition, disease, and other hazards. NGO's and religious groups in Maluku province estimate that thousands of Muslim and Christian children between the ages of 12 and 17 have become child soldiers (see Sections 6.d.). Younger children between the ages of 7 and 12 provide support services to the militias. Some of the children involved in fighting reportedly are from outside the province. In one incident, a 16-year-old from Java, who had joined the Laskar Jihad militia, was killed while fighting on Saparua Island, Maluku province.

According to the Department of Manpower, the number of working children increased from approximately 2 million before the economic downturn began in 1997 to an estimated 2.5 million in mid-1999. Children's advocates and labor analysts agree that the number of working children has increased significantly due to the downturn, but contend that the number of working children was higher than the Government's current estimate even before the downturn, and has increased significantly since 1997 (see Section 6.d.). The ILO estimated that between 6 and 8 million children worked during the year, and World Vision, an international NGO, estimated that there were 6.5 million children working in the country.

According to a recent study, there are about 170,000 street children in 12 urban areas. Of these, about 20 percent are girls. At least 60 percent of the street children polled were not enrolled in school. There were about 13,000 street children in Jakarta. Medan, Bandung, Surabaya, Makassar (Ujung Pandang), and Yogyakarta are other cities with substantial populations of street children. Of the 1,600 street children living in Yogyakarta, about 25 percent are girls. Almost all of them were victims of sexual abuse or were engaged in prostitution. Another NGO survey suggests that there are at least 100,000 street children and 6 million abandoned children in the country.

Street children sell newspapers, shine shoes, help to park or watch cars, and otherwise attempt to earn money. Many street children work under hazardous conditions as scavengers, garbage pickers, and on fishing platforms and fishing boats. According to credible sources, there are hundreds, perhaps over 1,000 children working in hazardous conditions on fishing platforms off the east coast of North Sumatra (see Section 6.c.). Many thousands of children work in factories and fields (see Sections 6.c., 6.d., and 6.f.).

A number of local and international NGO's work with street children. NGO's have criticized the Government for making inadequate efforts to help street children and working children. The Government is working in cooperation with the U.N. Development Program, UNICEF, the ILO, and with NGO's to create programs for street children and child laborers. One project includes the establishment of "open houses" in targeted areas to provide vocational training and basic education to street children. Open houses for street children have

been established in several provinces.

Another approach to the problem of street children is the National Program for Discipline and Clean Cities Decree. Under this program, street children are removed physically from cities by bus. Usually, they are taken outside the city and left there. Sometimes they are taken to "holding houses" where they first are interrogated and later released. NGO's criticize this practice as ineffective and inhumane.

Child prostitution (see Section 6.f.) and other sexual abuses occur, but firm data are lacking. Police continue to uncover syndicates involved in trafficking girls to work in brothels on various islands or in other countries (see Section 6.f.). According to one 1998 NGO study, there were 406 cases of child abuse that year, 900 to 1,200 cases of child rape, and 40,000 to 70,000 cases of other sexual abuse against children.

A separate criminal justice system for juveniles does not exist. Ordinary courts handle juvenile crime, and juveniles often are imprisoned with adult offenders. A Juvenile Justice Law was passed by Parliament in 1996 and was signed by President Soeharto in 1997. It defines juveniles as children between the ages of 8 and 18 and establishes a special court system and criminal code to handle juvenile cases; however, it has not been implemented yet.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced in some parts of the country. No national legislation exists on FGM. Customary (adat) law has allowed for symbolic female circumcision and small-cut (mild) incisions of the clitoris, which would fall under the World Health Organization's (WHO's) type IV classification of FGM (this category includes pricking, piercing or incising of the clitoris). According to reports, FGM practices appear to be increasingly symbolic in nature (for example, a pinprick or the cutting of a ceremonial root). More invasive FGM practices--removal of the clitoral prepuce, partial removal of the sensitive tip of the clitoris, and even total removal--reportedly occur in Madura, South Sulawesi, and parts of East Java. However, there are no epidemiological reports on the frequency of these practices. Since FGM is not regulated, and religious leaders have taken no formal position, the method used often is left to the discretion of the local traditional practitioner. FGM usually occurs within the first year after birth, often on the 40th day, although it is done in some areas up to the age of 10. It is performed either at a hospital or, especially in rural areas, by the local traditional practitioner.

Both government officials and NGO leaders familiar with FGM issues believe invasive FGM practices are on the decline. The Government included FGM as a gender issue in its National Action Plan to End Violence against Women, published in late November. FGM heads the Action Plan's list of religious teachings requiring investigation and modification. The Government and NGO's are directing awareness campaigns towards Muslim religious leaders and those directly involved in performing female circumcisions (such as traditional birth attendants), and towards society at large, to bring about an end to invasive practices.

People with Disabilities

Precise statistics on the number of disabled persons in the country are not available. In 1999 the U.N. estimated that about 5.43 percent of the population (about 10 million persons) were disabled, while the Government estimated that 3 percent of the population (6 million persons) were disabled. Families often hide disabled family members to avoid social stigma or embarrassment. Several provinces have established rehabilitation centers for the disabled. Authorities reportedly take disabled persons off the streets and bring them to these centers for job training. Nevertheless, many disabled citizens beg for a living.

The Constitution requires that the Government provide care for orphans and the disabled; however, it does not specify the definition of the term "care", and the provision of education to all mentally and physically disabled children never has been inferred from the requirement. Regulations require the Government to establish and regulate a national curriculum for special education by stipulating that the community should provide special education services to its children.

According to a UNICEF report during the year, there are about 2 million disabled children between the ages of 10 and 14. Law No. 4/1997 on Disability and Government Regulation No. 72 on Special Education stipulate that every disabled child has the right to access to all levels and types of education and rehabilitative treatment as necessary. However, this does not occur in practice. NGO's are the primary providers of education for the disabled. There are 1,084 schools for the disabled; 680 are private and 404 are government-operated. Of the government schools, 165 are "integrated," serving both regular and special education students. In Jakarta there are 98 schools for the disabled, 2 of which are government-operated and 96 of which are private. The Government also runs three national schools for the visually and hearing impaired, and mentally disabled. These schools accept children from throughout the country.

The 1997 Disability Law was designed to provide access to education, employment, and assistance for the disabled. It requires companies employing over 100 persons to give 1 percent of their positions to the disabled. However, the disabled face considerable discrimination in employment, although some factories have made special efforts to hire disabled workers. The law mandates accessibility to public facilities for the disabled; however, virtually no buildings or public transportation provide such accessibility in mind.

President Wahid, who is visually impaired, and First Lady Sinta Nuriyah Abdurrahman Wahid, who has limited mobility from an automobile accident, are advocating improved services and opportunities for persons with disabilities. In September President Wahid acknowledged that discrimination exists in the country's tourism industry and that disabled persons receive neither appropriate services nor the opportunity to travel.

Indigenous People

The Government considers the term "indigenous people" to be a misnomer, because it considers all citizens except ethnic Chinese to be indigenous. Nonetheless, it publicly recognizes the existence of several "isolated communities," and their right to participate fully in political and social life. The Government estimates that the number of persons in isolated communities is 1.5 million. This includes, but is not limited to, groups such as the Dayak population in Kalimantan, some of whom live in remote forest areas, indigenous communities located throughout Irian Jaya, and economically disadvantaged families living as sea nomads on boats near Riau in eastern Sumatra and near Makassar (Ujung Pandang) in southern Sulawesi. Critics maintain that the Government's approach is paternalistic and designed more to integrate indigenous people into society than to protect their traditional ways of life. Human rights monitors criticize the Government's transmigration program for violating the rights of indigenous people (see Section 1.f.) and for encouraging exploitation of natural resources upon which indigenous people depend for their livelihood.

Sixty percent of the country's population of over 200 million lives in Java, which represents only 7 percent of the country's territory. The government-sponsored transmigration program seeks to resettle persons from densely populated areas to sparsely populated areas outside Java (see Section 1.f). The majority of migrants are spontaneous migrants who are not part of the official program.

Critics of transmigration claim that it often threatens indigenous cultures and sparks social envy. Some critics claim that transmigration has been used as a political tool to inject nonindigenous persons into certain areas to "Indonesianize" these areas, in part to preclude secessionist movements. In some areas, such as in certain parts of Sulawesi, the Moluccas, Kalimantan, Aceh, and Irian Jaya, relations between transmigrants and indigenous people are hostile. NGO's also report tensions between transmigrated Javanese and indigenous populations in the Mentawai Islands off the west coast of Sumatra. Indigenous groups often complain that they receive less government support and funding than transmigrants, and transmigrants complain that in some cases they are moved to areas with undesirable land and inadequate infrastructure. Transmigrants sometimes are settled on land of disputed ownership.

Acute tensions continued in West Kalimantan between the indigenous Dayak and ethnic Malay peoples and the settlers from Madura, an island off the eastern coast of Java. At least 11 persons died in clashes between Malays and Madurese in October (see Section 1.a.). The Madurese community in West Kalimantan developed around an earlier group of transmigrants, although the majority of Madurese in the area are spontaneous immigrants. Dayak-Madurese violence in the Sambas region north of Pontianak prompted tens of thousands of Madurese to flee in 1997 and 1999; an estimated 50,000 remain in camps in West Kalimantan (see Section 2.d.).

Land disputes are a major source of tension throughout the country, particularly in many sparsely populated resource-rich areas traditionally inhabited by indigenous people. The tension often is expressed along racial/ethnic lines because developers frequently are ethnic Chinese Indonesians. Land disputes represent the largest category of complaints submitted to the National Human Rights Commission and a significant portion of the cases brought to legal aid foundations and other assistance organizations. According to a law derived from colonial era practices, all subsurface mineral resources belong to the Government. The Basic Agrarian Law states that land rights cannot be "in conflict with national and state interests," which provides the Government with a broad legal basis for land seizures. When disputes cannot be settled, the Government has the authority to define fair compensation for land.

However, in practice compensation for the land often is minimal or even nonexistent. Decisions regarding development projects, resource-use concessions, and other economic activities generally are carried out without the participation or informed consent of the affected communities. When indigenous people clash with private sector development projects, the developers almost always prevail. There are numerous instances of the use of intimidation, sometimes by the military, and often by hired "thugs," to acquire land for development projects, particularly in areas claimed by indigenous people. Such intimidation has been used in Jakarta, other

parts of Java, North Sumatra, Aceh, and other areas. Some NGO's that seek to aid these communities are subjected to verbal attacks, raids, and other forms of intimidation by government security forces. Throughout 1999 and during the year, NGO's have been more vocal and effective in lobbying for indigenous people's rights. According to credible sources in West Sumatra, large tracts of land in the province have been confiscated over the past several years by commercial plantation developers who paid bribes to the local governor. In some cases, NGO's report that farmers were evicted from the land without compensation to allow for new palm oil plantations staffed by Javanese transmigrants. Competition for land and resources remains acute in Sumatra.

NGO's assert that violations of the rights of indigenous people are frequent in the mining and logging areas, and that violations stem from the Government's denial of ownership by indigenous people of ancestral land, erosion of indigenous groups' traditional social structure, and forced takeover of land. These problems are most prevalent in Irian Jaya and Kalimantan. In Central Kalimantan, NGO's report that local residents have suffered as a result of discontinued projects to convert peat land into agricultural land for rice cultivation. Vast tracts of land have been designated as transmigration areas. Tens of thousands of indigenous people have been forced to cease their traditional farming and forest-based livelihoods; many become poorly paid laborers on new agricultural projects.

In Southeast Sulawesi, the Moronene people have been struggling for more than 40 years to secure government recognition of their claim to ancestral lands in what is now Rawa Aopa Watumohai National Park. The Government insists, most recently on the basis of the 1999 Forestry Law, that the Moronene people must resettle on land outside the park. In 1997 and 1998, security personnel acting on orders from the provincial government destroyed houses and crops in an effort to force the Moronene off their lands, but they refused to leave. In September they reached agreement with the local government that they would be allowed to remain on their lands until a court decided the merits of their claim. However, from November 23 to 25, approximately 70 security personnel sought to evict the Moronene from the park. The security team, which consisted of local police, Brimob members, and forest police and officials, reportedly destroyed 23 homes in the 3 villages of Hukaea-Laeya, Lampopola, and Lanowulu. At year's end, the Moronene still were living in Hukaea-Laeya village, but they feared further destruction of their settlements since the Government has not changed its position that they must leave.

Bonded labor has become a problem for some Dayaks in East Kalimantan (see Section 6.c.). According to the ILO, on at least one project, a logging company established a company store in a remote area, where workers had to purchase necessities at inflated prices. Since the workers could not afford the prices, they bought the goods using vouchers representing future wages, thereby, according to the ILO, "turning once independent and relatively well-off farmers into impoverished bonded laborers trapped in an ever-mounting cycle of debt."

Tensions with indigenous people in Irian Jaya, who refer to themselves as Papuans or West Papuans, continued. Papuans complain of racism, religious bias, paternalism, and condescension as constant impediments to better relations with non-Papuans, including members of the Government, the military, and the non-Papuan business community. A large percentage of the population of Irian Jaya consists of migrants, who are economically and politically dominant. Most civil servants in local governments in Irian Jaya and other isolated areas continue to come primarily from other parts of the country, rather than from the local indigenous population. Tensions between Papuans and migrants increased during the year, particularly after Papuans killed 24 migrants in Wamena on October 6 and 7 after security forces opened fire on Papuans who resisted efforts to take down Papuan independence flags (see Sections 1.a. and 2.a.). The attack caused an exodus of several thousand migrants from the Wamena area and from Irian Jaya (see Section 2.d.). Papuans and migrants clashed again in Merauke in early November and December and at the Abepura market area in Jayapura November 11 to 13, resulting in injuries on both sides and the burning or looting of migrant shops. Unknown attackers killed two police and a security guard in Abepura, Irian Jaya, on December 7, and two timber workers near the Irian Jaya-Papua New Guinea border on December 9. Police blamed both attacks on the Free Papua Organization (OPM) (see Section 1.a.).

During the year Papuans asserted themselves politically to a greater extent than in the past. Beginning in late 1999, Papuan political figures and traditional tribal organizations began forming Papuan "task forces" (Satgas Papua). In February Papuan community and tribal leaders organized a "great consultation" of Papuan leaders to set an agenda for self-government and designate a Papuan Presidium Council to speak on behalf of Papuans. The consultation's closing statement called for the holding of a congress comprised of the entire Papuan community. The congress was held from May 29 through June 4 in Jayapura, and involved more than 2,000 delegates from each of Irian Jaya's districts, other parts of the country, and the Papuan community overseas. Delegates approved a resolution rejecting the 1969 "Act of Free Choice," which confirmed Irian Jaya's incorporation into Indonesia; called on the central Government, along with the U.N. and the U.S. and Dutch governments, to review the process by which the territory became a part of Indonesia and to recognize Papua's sovereignty since 1961; and mandated the Papuan Presidium Council to strive for international recognition and report back to the congress on December 1 on progress toward these goals. Presidium

Council leaders traveled throughout the province to publicize the results of the congress, regularly met with government officials in Jakarta, and journeyed to other countries to advance the Papuan cause. On December 1, Presidium leaders led a peaceful commemoration of the 1961 declaration of independence by Papuan community leaders, then under Dutch rule. Presidium vice chairman Tom Beanal recounted the Presidium's efforts since the Papuan Congress to start a dialog with Jakarta, and appealed for calm. The day was observed peacefully in most parts of Irian Jaya.

The Government initially responded to Papuan initiatives by welcoming the call for dialog and offering special autonomy within the context of a united Indonesia. President Wahid met several times with Papuan leaders and visited Irian Jaya on December 31, 1999 and January 1, 2000, when he announced that the name of the province would be changed to Papua; however, the Government never introduced legislation to change the name. Vice President Megawati Soekarnoputri visited the province in May and September. President Wahid provided \$110,000 (Rp. 1 billion) for the holding of the Papuan congress and indicated that he would open the congress, although ultimately he accepted his advisors' recommendation not to participate. After the congress, he met with Presidium Council leaders and reemphasized the Government's firm stance against Papuan independence, but said it was permissible to fly Papuan independence flags as long as they were smaller and flown below the Indonesian flag. However, during the August MPR session, legislators attacked Wahid's stance toward Papuans and demanded a tougher approach that rejected the flying of the independence flag, the use of the name "Papua," and other perceived manifestations of proindependence sentiment. In late September new National Police Chief Suryo Bimantoro ordered all Papuan independence flags to be taken down. Police attempts to remove forcibly flags in Wamena on October 6, Fak Fank on December 1, and Merauke on November 4 and December 2, sparked violent clashes with Satgas Papua members, resulting in many deaths and heightened tensions between Papuans and non-Papuan migrants (see Sections 1.a. and 1.c.). After Papuans attacked a police station in Jayapura on December 7, police shot and killed a student at a nearby dormitory and detained and beat more than 100 others, 2 of whom died as a result of the beatings. Police revived criminal charges against five leading members of the Papuan Presidium Council for crimes against the security of the State and public order in November (see Sections 1.e. and 2.a.). Police encouragement of the formation of migrant "solidarity" organizations, and the arming of some of those organizations by security forces, also has sharpened divisions between the two communities. Moreover, the creation of an armed "Red and White Task Force" (Satgas Merah Putih) in Papua, reportedly at the instigation of the army, has raised concerns that certain elements of the national security forces may be seeking to create an armed Papuan paramilitary force, modeled on East Timorese militias, to oppose Papuan independence efforts, and, to oppose specifically, the Satgas Papua groups, the vast majority of which are considered proindependence.

Religious Minorities

Closures and attacks on churches, temples, and other religious facilities, ranging from minor vandalism to arson, increased during the year, according to the Indonesian Christian Communications Forum (ICCF). The ICCF recorded 122 religiously-motivated attacks on Christian churches or other Christian facilities during the year. There are no available national estimates on the number of mosques that were damaged or destroyed during the year. The largest number of attacks on citizens and places of worship occurred in North Maluku, Maluku, and Central Sulawesi provinces in the eastern part of the country, causing more than 3,000 deaths, the displacement of nearly 500,000 persons, and damage to at least 81 churches and dozens of mosques (see Sections 1.a., 2.c., and 2.d.).

Attacks on places of worship reflect religious tensions, but other contributing factors include underlying socioeconomic and political tensions between poor Muslims and more affluent Sino-Indonesian Christians. Similarly, in the Moluccas and Central Sulawesi, economic tensions between native Christians and Muslims who migrated to these areas in recent decades were a significant factor in incidents of interreligious violence. Christian and Muslim communities in these provinces blamed each other for initiating and perpetuating the violence.

The Government failed to suppress or respond to most cases of violence and did not resolve fully the many cases of attacks on religious facilities and churches that occurred during riots; in other cases, the Government did not investigate such incidents at all (see Sections 1.a. and 2.c.).

Anti-Christian sermons and publications also increased, leading to concerns that societal support for religious tolerance was eroding. In the early part of the year, a movement known as the Islamic State of Indonesia (NII) emerged on university campuses in Java. There were sporadic reports from some neighborhoods of Jakarta that student followers of the NII movement set up roadblocks, checked identification cards, and harassed passing non-Muslims, in some cases forcing them to recite passages from the Koran. Similar incidents occurred in Makassar, South Sulawesi. Many of the country's religious minorities expressed growing concern over what they perceived to be increasing demands by certain Muslim groups to impose Shari'a law in the country; however, during the year, a proposal to implement Islamic law failed (see Section 2.c.).

The Laskar Jihad ("holy war troops"), another Muslim group that was formed during the year, engaged in paramilitary training, and leaders of the group announced that they were planning to wage war on Christians in the Moluccas. The Government closed a conspicuous Laskar Jihad training camp south of Jakarta, but otherwise was reluctant to challenge the organization openly. Many of its recruits, some of whom were children (see Section 6.d.), were deployed to Maluku and North Maluku provinces beginning in late April, where they reportedly joined in fighting against Christians.

President Wahid conceded in late December that hundreds of Christians on Keswui and Teor Islands in Maluku converted to Islam in November and December to save their lives. By year's end, only an estimated 165 converts had been able to leave the 2 islands. There also have been credible reports of forced conversions occurring in other parts of Maluku and North Maluku. Estimates range from over 3,500 to 8,000 cases. While most documented cases involve Christians who converted to Islam, there have been reports of Muslims who were forced to convert to Christianity in Halmahera, North Maluku.

Christian IDP's from Keswui and Teor who had undergone conversion said in media interviews that Muslim militants told Christians to convert to Islam or face probable death at the hands of Muslim militias. According to these sources, Christians were herded into mosques and converted to Islam en masse. Both male and female converts later were forced to undergo circumcision to prove that they were genuine Muslims, despite the fact that Muslim women in Maluku were not customarily circumcised. The victims suffered considerable pain and some developed infections as a result of the forced circumcisions.

A number of bombings and bombing attempts primarily targeted against Christian facilities occurred throughout the year in North Sumatra, including one that exploded in May at a Protestant Church in Medan and injured at least 33 persons. The perpetrators of the attacks had not been identified by year's end. There were numerous theories for the attacks; there is no clear evidence that the bombings were religiously motivated. Bombs exploded almost simultaneously on the evening of December 24, in seven of the country's provinces, in or near nine churches where members were attending Christmas Eve services. Nineteen citizens died from the blasts, some of whom were Muslims guarding churches, and 84 persons were injured. The bombings appear to be the product of a concerted and synchronized effort to create discord between religious groups. However, the bombings are more likely driven by political interests than by religious hatred. The Government formed a special interagency team to investigate the bombings. The NGO Indonesian Forum for Peace (FID) formed a joint fact-finding team with the Government to investigate the bombings. A number of other bombings also occurred during the year (see Sections 1.a. and 1.c.).

Muslims are a religious minority in the easternmost province of Irian Jaya. Local sentiment against the efforts of Muslim missionaries to win converts in the predominantly Christian province, as well as resentment of the arrival in the province of mainly Muslim migrants from other parts of the country, has in the past led to attacks on mosques in Irian Jaya. However, there were no reports of attacks on mosques in Irian Jaya during the year.

During the year there were occasional reports of murders of persons who practice traditional magic ("dukun santets") (see Section 1.a.) in East, Central, and West Java, including a January 18 attack in the Malang area of East Java on a woman suspected of being a shaman. The number of these killings is believed to have declined since 1998, when nearly 200 such persons were killed in East Java, and since 1999, when more than 30 dukun santet were killed in West Java.

National/Racial/Ethnic Minorities

The Government officially promotes racial and ethnic tolerance. Ethnic Chinese, which represent approximately 3 percent of the population--by far the largest nonindigenous minority group--historically have played a major role in the economy. In 1998 anti-Chinese sentiment led to serious and widespread attacks on Chinese-owned businesses. Despite the Wahid Government's commitment to reopen the investigation into these attacks, the Government has failed to pursue the 1999 recommendations of the joint fact-finding team (TGPF) that was commissioned to investigate the 1998 attacks (see Sections 1.a., 1.c., and 4).

Racially motivated attacks against Sino-Indonesians have dropped sharply since mid-1998, although Sino-Indonesians continued to report instances of discrimination and harassment. One Sino-Indonesian woman told the press that she was attacked by machete-wielding militants claiming to be members of the "Commandos against Communism," who threatened to burn down her office building and murder her staff if they did not vacate the premises. When she later returned from a trip, she found that arsonists had burned down her office. She had been investigating the slaughter of Sino-Indonesians during the mid-1960's.

An undetermined number of Sino-Indonesians remain abroad or away from their normal places of residence in the country. While many now reside in Singapore, there also are sizeable Sino-Indonesian populations in

Australia and the U.S. Prominent Sino-Indonesians estimate that approximately half of the Sino-Indonesian men living abroad occasionally return to their homes for short visits to protect their remaining business interests, but most keep their families and the bulk of their capital offshore or in other parts of the country.

With the revocation of Presidential Decree 14/1967 in January, Confucianism may be practiced in public and the law no longer forbids the celebration of the Chinese New Year in temples or public places (see Section 2.c.). As a result, Chinese New Year decorations were displayed prominently during the year and sold in public shopping areas in several major cities. The Chinese language now may be taught, spoken, and printed, and private instruction in Chinese no longer is prohibited. Some universities, including the University of Indonesia, offer Chinese-language instruction. A number of private institutions openly offer courses as well. Chinese-language publications in the country no longer are banned; however, customs regulations still prohibit the import of Chinese language publications and music (see Section 2.a.). State universities still have informal quotas that limit the enrollment of ethnic Chinese students.

Authorities no longer are required to note a special code on the national identification card for citizens of Chinese extraction. However, some Sino-Indonesians have claimed that this practice continues.

Since 1959 noncitizen ethnic Chinese have been denied the right to run businesses in rural areas; however, the Government does not restrict this right for Sino-Indonesians.

Indigenous residents of Irian Jaya and various human rights groups charge that Papuans are underrepresented in the civil service in that province. The Government has made some efforts to recruit more civil servants in Irian Jaya, and there has been some increase in the number of civil servant trainees in this province, despite a "no growth" policy in the civil service as a whole.

Section 6 Worker Rights

a. The Right of Association

Private sector workers are by law free to form worker organizations without prior authorization, and unions may draw up their own constitutions and rules and elect their representatives. In July the DPR enacted and in August President Wahid signed a new law on trade unions, which provides for "notification" (registration) of unions at the factory, district, provincial, and national levels and allowed unions to form federations and confederations. Unions are required to have at least 10 members and must be open to all persons, without differentiating on the basis of political orientation, religion, ethnicity, national origin, or gender. Under the new law and previous registration regulations, more than 20 new or previously unrecognized union federations have notified the Department of Manpower of their existence since 1998, and thousands of workplace-level units have registered with the Department of Manpower, although some unions have complained of difficulty in registering their workplace units.

The Federation of All-Indonesian Trade Unions (SPSI), which was formed by the merger (under the Government's direction) of existing labor organizations in 1973, is the oldest trade union organization. The head of the SPSI and many members of the executive council also are members of the Golkar political organization and its constituent functional groups. In August 1998, the SPSI leadership split over the issue of reforming the Federation's structure. Following the split, the Department of Manpower stated that it would no longer intervene in organizational disputes within trade unions or provide guidance to any unions.

The new trade union law allows the Government to petition the courts to dissolve a union if its basis conflicts with Pancasila or the 1945 constitution, or if a union's leaders or members, in the name of the union, commit crimes against the security of the State and are sentenced to at least 5 years in prison. Once a union is dissolved, its leaders and members may not form another union for at least 3 years after the original union's dissolution.

The new trade union law does not address the adjudication of jurisdictional disputes among multiple unions in a workplace, and existing laws and regulations do not provide clear guidance on how jurisdictional disputes should be handled. Such ambiguity occasionally has led to clashes between unions in a workplace. In one instance in June in Medan, North Sumatra, workers from the Indonesian Prosperity Trade Union (SPSI) attacked the offices of the Metalworkers Union affiliated with the SBSI after SBSI workers staged a strike at a metal factory at which the SPSI Metalworkers Union also had representation. The SPSI workers damaged office equipment and injured several persons in the office.

Since 1999 civil servants have not been required to belong to KORPRI, a nonunion association. Employees of several government departments announced that they would form their own employee associations, and union

organizations began to seek members among civil servants. Unions also are seeking to organize state-owned enterprise (SOE) employees, defined to include those working in enterprises in which the State has at least 5-percent ownership, although they have encountered some resistance from enterprise management, and the legal basis for registering unions in SOE's remains unclear. Teachers must belong to the Teachers' Association (PGRI). While technically classified as a union, the PGRI continues to function more as a welfare organization and does not appear to have engaged in trade union activities such as collective bargaining. Some groups of teachers have formed unofficial unions outside the PGRI. Other teachers have gone on strike for better wages and allowances, a rare and technically illegal action for teachers. Mandatory PGRI contributions are deducted automatically from teachers' salaries.

The Government announced in 1995 its intention to relax a regulation requiring police approval for all meetings of five or more persons of all organizations outside offices or normal work sites. However, in practice this regulation continues to apply to union meetings. Permission routinely was given to the faction of the SPSI that retains strong links to the Golkar party leadership, but other labor organizations claim that local civilian and security officials often have discouraged or denied permission to hold gatherings. During the early part of the year, police repeatedly interrogated a foreign staff member of the American Center for International Labor Solidarity when he tried to renew his police clearance and work permit. Police objected to the staff member's observation of worker demonstrations and strikes. He eventually was able to renew his documents. In May police in Medan, North Sumatra, briefly detained two staff members of the Solidarity Center when they arrived to participate in a union workshop. The police stated that the staff workers had not obtained required letters from Jakarta police before traveling to Medan. The workshop was allowed to proceed in their absence.

All organized workers except civil servants have the legal right to strike. State enterprise employees and teachers rarely exercise this right, but private sector strikes are frequent. Before a strike legally can occur in the private sector, the law requires intensive mediation by the Department of Manpower and prior notice of the intent to strike. However, no approval is required. In practice dispute settlement procedures rarely are followed, and formal notice of the intent to strike rarely is given, because Department of Manpower procedures are slow and have little credibility among workers. Therefore, sudden strikes usually result from longstanding grievances, attempts by employers to prevent the formation of union branches, or denial of legally mandated benefits or rights.

Strikes frequently occurred during the year across a wide range of industries and occasionally were protracted. In addition to normal work stoppages, workers occasionally used unorthodox tactics, such as blocking Jakarta's airport toll road. Representatives of 4,700 footwear workers, who did not receive severance pay when their factory closed, staged a sit-in for several weeks in the national Parliament until the company paid the severances. Among the largest companies affected by such tactics were a manufacturing group in Surabaya, East Java; a cigarette manufacturer in Kediri, East Java; an oil and gas producer in Riau province in Sumatra; and natural gas and mining companies in East Kalimantan. Most strikes were conducted and resolved peacefully. In one prominent case, a major electronics manufacturing company fired (with the Government's permission) 900 striking workers at its Jakarta plant after a lengthy work stoppage. Some unions complained that strike leaders were singled out for layoffs when companies downsized. In several cases, most notably in Riau and East Kalimantan, workers damaged property and intimidated nonstriking workers, and there were disputes among different unions represented in the same company. In most cases, workers were not arrested for these actions, although police detained the SBSI regional coordinator in East Kalimantan in November for investigation of charges that he incited workers to violence. In at least two cases (at a glass manufacturing plant in Jakarta and at a major natural gas facility in East Kalimantan), police fired rubber bullets at workers who blocked roads and entry gates to company facilities and resisted orders to disperse. Groups claiming to represent labor also sometimes resorted to violence. In Surabaya groups of as many as 500 persons invaded industrial parks and looted factories in early May.

The SPSI maintains international contacts but its only international trade union affiliation as a federation is with the Association of Southeast Asian Nations Trade Union Council. Some of the SPSI's federated sectoral unions are members of international trade secretariats. The SBSI is affiliated with the World Confederation of Labor and some international trade union secretariats.

b. The Right to Organize and Bargain Collectively

Collective bargaining is provided for by law, and the Department of Manpower promotes it within the context of the national ideology, Pancasila. Until 1994 only recognized trade unions--the SPSI and its components--could engage legally in collective bargaining. By issuing new regulations on union registration and enacting the new trade union law, the Government allows for new workers' organizations that register with the Government to conclude legally binding agreements with employers. Under the union registration regulation signed in September 1999 (which was not repealed by the new trade union law), if there is more than one union represented in a company, a union or coalition of unions must have the support of a majority of workers in order to bargain or negotiate on their behalf.

In companies without unions, the Government discourages workers from utilizing nongovernment outside assistance, for example, during consultations with employers over company regulations. Instead, the Department of Manpower prefers that workers seek its assistance and believes that its role is to protect workers. However, there are credible reports that for many companies, consultations are perfunctory at best and usually only occur with management-selected workers; there also are credible reports to the contrary from foreign companies. According to government statistics, approximately 80 percent of the factory-level SPSI units have collective bargaining agreements. The degree to which these agreements are negotiated freely between unions and management without government interference varies. By regulation negotiations must be concluded within 30 days or be submitted to the Department of Manpower for mediation and conciliation or arbitration. Most negotiations are concluded within the 30-day period. Agreements are for 2 years and can be extended for 1 year.

According to NGO's involved in labor issues, in current practice the provisions of collective bargaining agreements rarely go beyond the legal minimum standards established by the Government, and the agreements often merely are presented to worker representatives for signature rather than negotiation. Although government regulations prohibit employers from discriminating against or harassing employees because of union membership, there are credible reports from union officials of employer retribution against union organizers, including firing workers, that is not prevented effectively or remedied in practice. Some employers reportedly have warned their employees against contact with union organizers. The SPSI documented 135 cases in which companies violated their workers' right to organize by intimidating, punishing, or firing SBSI members because of their affiliation with the union or because they attempted to organize SBSI units within their factories--a problem other labor organizations and activists have encountered in trying to form unions. In November police in East Kalimantan arrested Wuaya Kawilarang, a regional coordinator for the SBSI, for investigation of charges that he incited workers to violence. He remained in detention at year's end (see Section 1.d.).

Regional and national labor dispute resolution committees adjudicate charges of antiunion discrimination, and their decisions can be appealed to the State Administrative Court. However, due to adverse decisions many union members believe that the dispute resolution committees generally favor employers. As a result, workers frequently present their grievances directly to the National Human Rights Commission, Parliament, and NGO's. Administrative decisions in favor of dismissed workers usually are monetary awards; workers rarely are reinstated. The law requires that employers obtain the approval of the labor dispute resolution committee before firing workers, but the law often is ignored in practice. During the year, the ILO Committee of Experts expressed concern that the Government had delayed implementation of the Manpower Act No. 25 of 1997 until October 1. On October 3, the Government announced another year's delay to consider revisions to the law, which has been criticized by labor unions.

Since 1996 unions affiliated with the SPSI have been able to collect union dues directly through payroll deductions (the "checkoff" system) rather than having the Department of Manpower collect dues and transfer them to the SPSI. Implementation of this system remains uneven, but labor observers generally believe that it has given more authority to factory-level union units where the checkoff system is practiced. Union officials at SPSI headquarters stated that not all local branches of the unions send a portion of dues collected to regional and central headquarters as provided in the SPSI's bylaws. Unions other than the SPSI have complained of difficulties in getting companies to set up a checkoff system for their members. In cases where the SPSI is not the only union in the factory, other unions occasionally have charged that companies automatically deduct union dues for the SPSI from workers affiliated with other unions.

The police and the army continue to be involved in labor matters, although since the mid-1990's there has been a shift from open intervention and demonstrations of force by uniformed troops to less visible measures. On at least two occasions, security forces fired on striking workers (see Section 6.a.). However, the most common form of military involvement in labor matters, according to union and NGO representatives, is a longstanding pattern of collusion between police and military personnel and employers, which usually takes the form of intimidation of workers by security personnel in civilian dress. The military also employs baiting tactics: infiltrating workers' ranks and encouraging protests or worker actions, and sometimes attempting to provoke a violent worker action, to which the military then forcefully responds. Employer and union representatives also have complained about the "invisible costs" of corruption, which they and others estimate constitute up to 30 percent of a company's expenses.

There are seven exporting processing zones (EPZ's) in the country. Batam Island, near Singapore, is the largest. Labor law applies in EPZ's and in the rest of the country, although nongovernmental observers believe that in practice enforcement of laws in EPZ's is weaker than in other areas.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor, including forced and bonded labor by children, and the Government generally

enforces this prohibition; however, forced and bonded labor by children remains a problem, and there also were instances of debt bondage of adults. In the past, NGO's estimated that as many as 3,000 children worked on fishing platforms, known as "jermals," under inhumane and dangerous conditions. There are credible reports that hundreds, perhaps over 1,000, children still work on the jermals off the east coast of North Sumatra in conditions of bonded labor (see Sections 6.d. and 6.f.). Most are recruited from farming communities in inland regions of North Sumatra. Once they arrive at the work site, miles offshore, they are held as virtual prisoners and are not permitted to leave for at least 3 months or until a replacement worker can be found. The children receive average monthly wages of \$5 to \$14 (Rp. 45,000 to 120,000), well below the regional minimum wage. They live in isolation on the sea on platforms the size of basketball courts, work 12 to 20 hours per day in dangerous conditions, and sleep in the workspace with no access to sanitary facilities or schooling. There are reports of physical, verbal, and sexual abuse of such children.

In November 1997, the Department of Manpower issued a circular letter with the force of law that prohibits the hiring of persons under the age of 14 on fishing platforms. In 1999 the Government stopped issuing permits to build new jermals, and announced plans to physically remove children from the jermals and provide them with educational and economic alternatives (see Sections 6.d. and 6.f.). NGO's advocating the removal of children from jermals estimate that there was a 50 percent drop in the number of children working on jermals during the year. However, rehabilitation programs for children removed from jermals have documented little success, and NGO's are concerned that some of these children now engage in other forms of hazardous labor. Jermals operate under the paid protection of national naval vessels; reportedly, the navy has a financial interest in some jermals.

In East Kalimantan a logging company reportedly traps Dayak laborers in a cycle of debt and turns them into bonded laborers (see Section 5).

The country is a source, transit point, and destination for trafficking in women and children, sometimes for forced labor (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

Labor law prohibits children under the age of 15 from working more than 4 hours per day, but an estimated 6 to 8 million children meet or exceed this daily limit. Government enforcement of child labor laws is weak or nonexistent. With the exception of children working on fishing platforms, there were no significant government efforts to strengthen enforcement during the year. The Government prohibits forced and bonded labor by children, but does not enforce this provision effectively (see Section 6.c.).

The Government ratified ILO Convention 182 on the Worst Forms of Child Labor on March 8, and President Wahid signed it into domestic law as Law No. 1/2000. Before the enactment of Law 1/2000, a Department of Manpower circular issued in 1997 had prohibited children from working in hazardous sectors, including maritime, plantation, construction, slaughterhouse, textile, leatherworking, entertainment, and manufacturing activities involving the use of hazardous materials and pollutants.

Despite adoption of legislative and regulatory measures, most children continued to work in unregulated environments, including domestic work. Although the ILO has sponsored training of labor inspectors on child labor matters under the International Program on the Elimination of Child Labor (IPEC), enforcement is nonexistent. During the year, labor inspectors who had received the training had not removed any children from the workplace.

The Government acknowledges that there is a class of children who must work for socioeconomic reasons, and in 1987 the Minister of Manpower issued a regulation on "Protection of Children Forced to Work." This regulation legalized the employment of children under the age of 14 who must work to contribute to the income of their families. It required parental consent, prohibits dangerous or difficult work, limits work to 4 hours daily, and requires employers to report the number of children working under its provisions. It did not set a minimum age for children in this category.

In February 1999, after years of negative publicity, the Government launched an initiative to eliminate child labor on jermals off the coast of North Sumatra. By midyear, NGO's estimated that the number of children working on jermals had declined by as much as 50 percent (see Sections 6.c. and 6.f.). However, hundreds, and perhaps over 1,000 children continue to work on the jermals, and active kidnaping or recruiting of such children continues.

According to the Department of Manpower, the number of working children increased from approximately 2 million before the economic downturn began in 1997 to an estimated 2.5 million by mid-1999. The State

Bureau of Statistics (BPS) stated that 1.9 million children through age 14 were working in 1998. The ILO and the NGO World Vision argued that official estimates were too low, citing the fact that between 11 and 12 million school-age children (up to age 18) were not attending school, and a large number likely were involved in some form of work. The ILO estimated that between 6 and 8 million children worked during the year. World Vision estimated that there were 6.5 million children working. Of these 6.5 million children, 4.1 million worked in the informal sector, and 2.4 million worked in the formal sectors. Other NGO's estimated that more than 10 percent of children worked more than 4 hours per day, and that over 35 percent of these children worked over 35 hours per week. Other NGO's estimate that 8.5 million school-age children are not enrolled in school and most are employed in the underground economy with no legal protection and poor compensation.

It is estimated that more children work in the informal sector than the formal sector, selling newspapers, shining shoes, helping to park or watch cars, and otherwise earning money. Where children work in the formal sector, such work tends to fall between the informal and formal economies, including working alongside their parents in home enterprises and on plantations, and in family-owned shops and small factories, particularly those that are satellites of large industries. There are children working in large factories; however, the number is unknown, largely because documents verifying age are falsified easily. Some employers hire children because they are easier than adults to manage and less likely to organize or make demands on employers. Children working in factories usually work the same number of hours as adults. Children work in the rattan and wood furniture industries, the garment industry, the footwear industry, food processing, toy-making, and small mining operations, and other industries.

In March six children between the ages of 12 and 14 fled from a chicken farm in Klaten, Central Java, where they had been forced to work from early morning to late at night without any pay for over 1 month. The owners of the farm later were detained for questioning and put on trial. The case was settled out of court, but child labor advocates who worked on the case did not participate in the settlement decision.

Other children, mostly girls, serve as live-in domestic servants. Many begin working when they are between 14 and 16 years old. Although accurate figures are unavailable, it is estimated that the number of child domestic workers is in the millions. Observers agree that this number began increasing in 1998 as a result of the economic downturn. One study conducted by Atma Jaya University in Jakarta estimated that there were at least 400,000 children under age 15 working as domestic servants in Jakarta alone. Most of them are not allowed to study or take academic courses. There are no regulations protecting domestic workers. These children work long hours, receive low pay, are on call 24 hours per day, generally are unaware of their rights, and often are far from their families.

Children are involved in a variety of hazardous work activities. In addition to those working on fishing platforms (see Section 6.c.), children perform piece work in small shoe factories (bengkels) where they are exposed to hazardous bleaches and glues. Thousands of other children work on rubber, sugarcane, tobacco, cocoa, and coffee plantations, often helping their parents meet stiff production quotas. Many companies employing adults condone the practice of children assisting their parents in the fields. Other children are employed in construction work, quarrying, gold and other types of mining, pearl diving, and forestry activities, many of which pose serious hazards. During the year, the ILO called on the Government to stop the employment of up to 3,000 children in Central Kalimantan in gold mining. The media reported the use of mercury in Central Kalimantan gold mining, underscoring the danger posed to these children.

Some children work as scavengers in dumpsites. In the Bantar Gebang dumpsite in Bekasi (south of Jakarta), an NGO working with children there estimates that as many as 550 children ages 7 to 15 work at the dump to help their parents. About 74 percent of the children are under age 12. Children work long hours in extremely unsanitary conditions. Almost all of the children have health problems. In one survey, 84 percent of the children suffered from minor infections. NGO's have ongoing programs to teach children to avoid hazardous waste such as syringes and other potentially toxic waste.

It is believed that thousands of Muslim and Christian adolescent children in Maluku province have become soldiers and that younger children provide support services to the militias (see Section 5).

The country is a source, destination, and transit point for trafficking in children (see Section 6.f.).

e. Acceptable Conditions of Work

There is no national minimum wage. Rather, area wage councils working under the supervision of the National Wage Council establish minimum wages for regions and basic needs figures for each province--a monetary amount considered sufficient to enable a single worker to meet the basic needs of nutrition, clothing, and shelter. The Government increased the average minimum wage by 70 percent (when adjusted for inflation) between 1992 and 1997. However, the high inflation rate in 1998 depressed sharply the purchasing power of

the minimum wage. The minimum wage generally is not sufficient to meet the government-determined "minimum living need" for a single person, or a family. After the minimum wage increases in April, in Jakarta the monthly minimum wage is about \$37 (344,000 Rp), which is equal to 81 percent of the government-determined minimum living need for a single person, and down from 95 percent in 1997. The average national minimum wage is about \$24 per month (Rp. 230,000), although wages in the most heavily populated urban areas (Jakarta area, West Java, East Java, and North Sumatra), are significantly higher. Nevertheless, enforcement of minimum wage and other labor regulations remains inadequate, and sanctions are light.

Labor law and ministerial regulations provide workers with a variety of other benefits, such as social security, and workers in more modern facilities often receive health benefits, free meals, and transportation. The law establishes 7- or 8-hour workdays and a 40-hour workweek, with one 30-minute rest period for every 4 hours of work.

The law also requires 1 day of rest weekly. The daily overtime rate is 1.5 times the normal hourly rate for the first hour and 2 times the hourly rate for additional overtime. Regulations allow employers to deviate from the normal work hours upon request to the Minister of Manpower and with the consent of the employee. Workers in industries that produce retail goods for export frequently work overtime to fulfill contract quotas. Observance of laws regulating benefits and labor standards varies between sectors and regions. Employer violations of legal requirements are fairly common and often result in strikes and employee protests. The Department of Manpower continues publicly to urge employers to comply with the law. However, in general, government enforcement and supervision of labor standards are weak.

Both law and regulations provide for minimum standards of industrial health and safety. Companies with more than 100 employees may obtain public recognition of their compliance with safety and health standards through a safety audit procedure. In the largely Western-operated oil sector, safety and health programs function reasonably well. However, in the country's 100,000 larger registered companies outside the oil sector, the quality of occupational health and safety programs varies greatly. The enforcement of health and safety standards is hampered severely by the limited number of qualified Department of Manpower inspectors, as well as by the low level of employee appreciation for sound health and safety practices. Allegations of corruption on the part of inspectors are common. Workers are obligated to report hazardous working conditions. Employers are forbidden by law from retaliating against those who do report, but the law is not enforced effectively. As a result, workers who remove themselves from hazardous working conditions may risk loss of employment.

f. Trafficking in Persons

The country is a source, transit point, and destination for trafficking in women and children for the purpose of prostitution and sometimes for forced labor.

Kirsty Sword-Gusmao, the wife of East Timorese independence leader Xanana Gusmao, reported to the international press in November that 33 pregnant East Timorese women, who had returned to East Timor, claimed that they were abducted and forced to serve as sex slaves for the TNI in West Timor.

There are credible reports of trafficking in girls and women and of temporary "contract marriages" with foreigners in certain areas, such as West Kalimantan and Sumatra, although the extent of this practice is unclear. Many such marriages are not considered legal, and the children born from them are considered born out of wedlock. According to one recent report, poor Sino-Indonesian parents from Sinkawang, West Kalimantan, who were desperate for money and believed that their daughters would have a better future, have sold thousands of their daughters into contract marriages to Taiwanese men. Some of the girls were as young as 14 years old. If such marriages fail, the women have no legal recourse. According to one source, there were as many as 10,000 Sino-Indonesian women from Sinkawang living in Taiwan whose legal status was uncertain. Others enjoy successful marriages and their families at home prosper as a result of the relationship.

Prostitution is widespread. Official statistics reported 75,106 registered prostitutes in 1999, up from 72,000 in 1995. However, NGO's estimate that there are as many as 1.3 million prostitutes in the country, 30 percent of which may be under 16 years of age. A university professor estimates that about 150,000 children enter prostitution each year. The prevalence of child prostitutes appears to vary by region. According to a recent NGO study, about 15 percent of the prostitutes in parts of Central Java were between 16 and 20 years old. In a seminar held in Batam in August, researchers reported that 50 percent of more than 1,800 sex workers that they surveyed in 1998 were younger than 18 years old. More recent estimates suggest that as many as 6,000 sex workers in Batam are under age 18. In September the ILO, in collaboration with the University of Indonesia's department of social welfare, published a preliminary study of trafficking trends in Jakarta, Batam (Sumatra), Medan (Sumatra), and Bali, which found that many girls entering prostitution after failed marriages that they had entered into when they were as young as 10 to 14.

While not documented thoroughly, the sex trade is believed widely to have increased sharply as women hurt by the economic downturn sought means of support for their families. In addition NGO findings indicate a growing trend in child prostitution and sexual exploitation. Instances of families in rural areas of Java and Sumatra being forced by economic circumstances to "sell" their daughters to local men continued to be reported. An October NGO report found that trafficking in teenage girls from North Sumatra to Singapore and Malaysia was increasing. A growing number of children enter prostitution to help their families or to support drug habits. Other teenage prostitutes come from middle class families. Child prostitutes can earn \$500 to \$1,000 (about Rp. 4.7 to 9.4 million) per month, 10 to 20 times what an unskilled factory worker earns. The demand for young girls is increasing, as many clients seek young girls who are perceived to be less likely to carry HIV/AIDS.

Police continue to uncover syndicates involved in trafficking young women and girls, many younger than age 18, to work in brothels on islands in Riau province, Jakarta, Bandung, and Surabaya (all in Java); Denpasar (Bali); Medan (Sumatra); Ambon (Maluku); Manado, Makassar, and Kendari (Sulawesi); and Jayapura, Sorong, and Merauke (Irian Jaya). Others are trafficked to Malaysia, Singapore, Japan, Taiwan, and Australia. Many of the girls and women were hired under false pretenses. One tactic commonly employed is to offer young women in rural areas jobs as waitresses or hotel employees in distant regions, typically at island resorts. After the new recruits arrive at the site they learn that they have been recruited as sex workers. In some instances, women are held forcibly at brothels or are prevented from leaving an island. In other cases, the women have no option other than to accept the work because they lack money to travel and facing other economic pressures. There also have been cases of boys involved in prostitution, especially in popular tourist destinations such as Bali and Lombok; at times such boys have been victims of trafficking, although the incidence reportedly is low.

A baby trafficking ring was uncovered in Medan in September. Four persons were arrested and three babies were confiscated as evidence. The babies allegedly were procured from low-income families and were sold to wealthy infertile couples.

Trafficking in children for forced labor, particularly onto "jermals" (fishing platforms) off the coast of North Sumatra, is a significant problem (see Sections 6.c. and 6.d.).

Hundreds of thousands of women abroad work as domestic servants. According to Ministry of Manpower statistics, there were approximately 1.5 million registered workers employed abroad from 1994 to 1999, and almost 70 percent of these workers were female. Host countries include Singapore, Hong Kong, Malaysia, Korea, and the Persian Gulf states. Although the percentage of the total is very low, in numerous cases, these women were subjected to conditions that amounted to trafficking. Recruiting agencies sometimes abuse and hold captive women recruited to work abroad as domestic servants, even before such women depart the country. The most common complaints among women working abroad are being underpaid or not paid at all; extreme working conditions and severe physical and sexual abuse also are common.

The Government, in response to negative publicity and NGO efforts, took steps to improve conditions for female migrant workers in the country and to improve consular protection for those working abroad; however, many women remain vulnerable. In contrast to NGO assertions, a consortium of labor recruiters insists that accounts of severe abuse of female migrant workers are exceptions to the norm. Nevertheless, as a result of extensive lobbying efforts, in late October, the Ministry of Manpower and Transmigration announced that it would suspend for 2 months the placement of migrant workers abroad, especially those working in the informal sector, including maids. However, on November 7, President Wahid announced that the Government was lifting the temporary ban on the basis that the ban only served to encourage more illegal placements of female workers abroad.

While there are laws designed to protect children from sexual abuse, prostitution, and incest, the Government has made no special enforcement efforts in these areas. Government efforts to combat the problem are sporadic, relatively small-scale, and of limited effectiveness. In response to public pressure, the Jakarta city government closed down brothels in the red-light district of Kramat Tunggak in North Jakarta. Meanwhile corrupt government officials, some of whom are involved in trafficking themselves, sometimes hinder enforcement efforts that compromise their financial interests. Moreover, NGO's allege that there still is considerable reluctance to acknowledge, both within society and the Government, that prostitution is a major industry.

Muslim religious groups reacted to perceived government inaction against prostitution by attempting to combat the problem themselves. Muslim groups' raids on and destruction of brothels and other venues allegedly involved in prostitution, including massage parlors, karaoke bars, and nightclubs, increased in frequency and in degree of aggression during the year (see Section 1.c.). The actions of these religious vigilante groups merely has served to force prostitution further beyond the scrutiny of official control.

Domestic NGO's lead in the efforts to monitor and prevent trafficking. At least a dozen NGO's generally are

active in combating trafficking in persons. The Indonesian Women's Association for Justice (APIK) facilitates public awareness programs in Jakarta to sensitize young women to the dangers of trafficking. The Indonesian Child Advocacy Foundation (LAAI) and the City Social Worker Group (KKSP) work to eliminate child employment on jermal fishing platforms in North Sumatra. Mitra Perempuan operates a hotline to record abuse cases and help abused women. The Indonesian Child Welfare Foundation (YKAI) issues anecdotal reports on trafficking incidents. The child labor umbrella organization, JARAK (NGO Network for Action Programs to Eliminate Child Labor in Indonesia), has 63 organizational members in 15 provinces and is involved in efforts to eliminate all aspects of child labor, including trafficking.

[End.]