



## Indonesia

### Country Reports on Human Rights Practices - [2007](#)

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Indonesia is a multiparty democracy with a population of approximately 245 million. Susilo Bambang Yudhoyono became the country's first directly elected president in free and fair elections in 2004. The civilian authorities generally maintained effective control of the security forces, although the fact that the Indonesian Armed Forces (TNI) continued to be partly self-financed weakened this control.

The government generally respected the human rights of its citizens; however, weak legal institutions, limited resources, and insufficient political will prevented accountability for serious abuses that occurred in the past. Problems during the year included: killings by security forces; vigilantism; harsh prison conditions; impunity for prison authorities; arbitrary detentions; corruption in the judicial system; some limitations on free speech and on peaceful assembly; interference with freedom of religion, sometimes with the complicity of local officials; intimidation of human rights groups by security forces; serious instances of violence and sexual abuse against women and children; trafficking in persons; forced labor; and failure to enforce labor standards and worker rights.

During the year the government's Reformasi consolidated democratic gains with positive human rights developments in the following areas: the government prosecuted the 2004 murder of human rights activist Munir Said Thalib with increased transparency; the president signed a strong antitrafficking bill; and the police demonstrated marked improvements in human rights, particularly in handling a number of large-scale demonstrations without using lethal force.

#### **RESPECT FOR HUMAN RIGHTS**

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

###### a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, there were reports of killings by security force personnel. The criminal code does not specifically criminalize extrajudicial killings.

On May 20, Rusman Robert was found dead in Solok Regency, West Sumatra, with bruises on his face and body and a broken arm. Witnesses testified that before he disappeared, he argued with the Solok military commander, Lieutenant Colonel Untung Sunanto. The military police investigated the case and arrested seven members of the Solok military command, including Untung. A military tribunal sentenced six of the men to between 18 months and five years in prison and dismissed them from the military. Because of his rank, Lieutenant Colonel Untung Sunanto was to be tried by a separate military tribunal. At year's end he was in custody awaiting trial.

On May 30, in a clash between villagers and marines in Alastlogo village, Pasuruan, East Java, marines shot and killed at least four persons and injured eight others. The incident occurred when villagers protested construction of a navy facility and demanded that the navy postpone development until after the villagers harvested their crop. Immediately following this incident, the commander of the marine facility, Major Husni Sukarwo, was relieved of his command. The human rights nongovernmental organization (NGO) Kontras alleged that several of the victims were deliberately targeted. In July the National Human Rights Commission (Komnas HAM) concluded that the Alastlogo incident was not a gross human rights violation and a trial therefore would be in military court instead of a human rights court. On September 19, 13 marines detained as suspects in this case were released from detention.

On September 22 and 23, clashes between police and TNI personnel in Ternate, North Maluku, left two police officers dead, two injured, and two TNI personnel also injured. The national police chief said that "if anyone in either institution is found to have violated the law, they will be handled internally by their respective institution."

In the May 2006 killing by police of two protesters in Wamena, Papua, the provincial police stated that officers "acted in accordance with police procedures" and if they had not fired upon the protesters they would have been in grave danger.

The trial of three police officers (Anthoni Taihutu, Albert Wattimena, and Raders Ralahalu) and one civilian (Robert Latuheru) for the August 2006 beating death of Deny Lewol continued in Bentang, Ambon City, Maluku. Prosecutors recommended a five-year prison sentence for Wattimena and Taihutu.

There were no developments in the following 2006 cases: the January shooting in Paniai, Papua, which killed one and injured two others; the March death of a man on a motorcycle in Peudawa, East Aceh; and the July alleged killing in Keude Paya Bakong, North Aceh.

There were no known developments regarding the 44 civilians and 37 Aceh Liberation Movement (GAM) members whom the Human Rights NGO Coalition in Aceh reported were killed prior to the signing of the Helsinki Memorandum of Understanding (MOU) that led to an end of hostilities in Aceh in August 2005. The government announced no significant progress and none was expected in the investigations into the following 2005 cases: the incident in Bireuen, Aceh, during which six members of the TNI special forces (Kopassus) reportedly killed two men and injured another; the incident in Nabire, Papua, in which TNI personnel allegedly beat local Papuan residents leaving seven seriously injured and one dead; the incident in Mulia City, the capital of Puncak Jaya Regency, during which the police shot and killed Tolino Iban Giri and arrested eight other persons; and the report that TNI and Police Mobile Brigade (Brimob) personnel killed three suspected rebels after capturing them during a joint operation in Serba Jaya village in Aceh Jaya District.

Law enforcement authorities reopened the investigation into the 2004 killing of human rights activist Munir Said Thalib during the year, presenting new evidence and witnesses. Based on this evidence, the Supreme Court reviewed its 2006 acquittal of suspect Polycarpus Budihari Priyanto. The testimony and trial openly touched on the alleged involvement of senior officials of the National Intelligence Agency. On October 9, in connection with the murder, prosecutors filed charges against a former Garuda Airlines director and the director's former secretary.

There were no developments regarding the 1999 killing of four demonstrators at Jakarta's Semanggi intersection or the 1998 killing of four students at Trisakti University and nine demonstrators at Semanggi intersection.

In 2005 the governments of Indonesia and Timor-Leste established the Commission on Truth and Friendship (CTF) to address human rights violations committed in Timor-Leste in 1999. The presidents of Indonesia and Timor-Leste extended the mandate of the CTF to February 2008. The CTF prioritized 14 cases to be addressed. During the year the CTF held five public hearings and two closed hearings, featuring testimony of witnesses, victims, and other actors involved in the events of 1999.

There were no known developments and none were expected with regards to pre-Helsinki MOU killings in 2005 of which GAM was accused.

On July 27, the Supreme Court denied the appeals of the persons convicted for the 2002 killings of two foreign citizens and an Indonesian near Timika, Papua. On August 30, the Supreme Court denied the appeal of Amrozi, in his conviction in the 2002 Bali bombing. On September 24, appeals of Ali Ghufron and Imam Samudra, the other two men convicted of the bombings, were also denied. In February the Supreme Court denied the appeal of Abdullah Sunata (alias Arman) in a case related to the 2003 Marriott Hotel bombing.

The authorities continued to make progress in investigating the 2004-6 cases of sectarian violence in Central Sulawesi and Maluku. In January, 17 persons, including two police officers, were killed in four police raid-related clashes in the Gebangrejo subdistrict of Poso, Central Sulawesi. The police were searching for persons wanted in connection with terrorist and other criminal activity, including alleged members of Laskar Mujahiddin. On January 11, a police officer was beaten to death when he was stopped by mourners attending the funeral of one of those killed in a police raid that day.

By year's end the government tried 13 suspects for the 2006 and 2004 killings of two clergy, the 2005 beheading of three Christian schoolgirls, and the 2005 bombings of markets in Tentena and Palu. Abdul Muis, accused in the October 2006 shooting of Reverend Irianto Kongkoli in Palu, Central Sulawesi, and in the December 2005 bombing of a market in Palu, was tried in the South Jakarta District Court. In December the court sentenced Muis to 18 years' imprisonment. Four others were sentenced to between 10 and 19 years' imprisonment for beheadings and bombings in 2005. On August 13, Basri was charged in four murder and terrorism cases in Poso from 2004-6. The South Jakarta District Court tried Ardin (alias Rojak), Ridwan, and Tugiran for terrorism acts in Poso committed in the same time period. On December 11, that court sentenced Basri to 19 years' imprisonment for the 2005 beheading of the three Christian schoolgirls and the 2004 killing of priest Susanti Tinulele, Ardin, Ridwan, and Tugiran to 14 years each. On March 21, Central Jakarta District Court sentenced Hasanuddin to 20 years in prison for masterminding the 2005 beheading of the three schoolgirls and two others accused in the beheadings to 14 years.

On July 26, 17 Christians accused of killing two Muslim men, Badaruddin and Wandu, in 2006 were sentenced by the South Jakarta District Court to from eight to 14 years in prison.

Maluku Province continued to enjoy reduced ethnic and religious tensions during the year, and no killings were reported. Sporadic bombings continued to take place.

The Ambon State Court tried Sulthon Qolbi (alias Asadullah or Arsyad) for acts of violence in 2005, such as the Lokki attack, the grenade explosion in Batu Merah village, and the bomb explosion in Mardika market. Sulthon confessed to these crimes. On October 4, Sulthon was sentenced to 15 years.

There were no known developments in the following 2006 cases: the September 2006 killing of a 50-year-old male in Tangkura Village of Poso Pesisir subdistrict and of another person killed by an explosion in Kawua, South Poso, and the October 2006 killing of a Christian woman riding public transportation through a predominantly Muslim area of Poso City.

#### b. Disappearance

The government reported little progress in accounting for persons who disappeared in previous years or in prosecuting those responsible for such disappearances. The criminal code does not specifically criminalize disappearance.

During 2005 according to the Human Rights NGO Coalition, 31 civilians and one GAM member were kidnapped in Aceh prior to the signing of the Helsinki MOU. Security forces were implicated in some of the disappearances.

In 2005 GAM members allegedly kidnapped four persons, including an eight-year-old child, and demanded a ransom. Their whereabouts remained unknown.

By year's end the government had taken no action regarding the findings of a September 2006 report to the Attorney General's Office (AGO) by a Komnas HAM ad hoc team on the 1998 abductions of between 12 and 14 prodemocracy activists. Despite refusals from military personnel to cooperate in the investigation, Komnas HAM concluded that all victims still missing were dead and identified suspects for an official investigation without publicly releasing their names. During 2006 the AGO took no action, stating that it could not prosecute these crimes unless the House of Representative (DPR) declared them gross human rights violations.

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

The constitution states that every person shall have the right to be free from torture, inhuman, and degrading treatment. The law criminalizes the use of violence or force by officials to elicit a confession, punishable by up to four years in prison, but the criminal code does not specifically criminalize torture. In previous years law enforcement officials widely ignored, and were rarely tried, under this statute. The government made some efforts to hold members of the security forces responsible for acts of torture. During the year the UN Special Rapporteur on Torture, Manfred Nowak, reported evidence of torture in many police detention facilities in Java. Nowak reported torture was common in certain jails and used to obtain confessions, punish suspects, and seek information that incriminated others in criminal activity. Torture typically occurred soon after detention. There were reports that detainees were beaten with fists, sticks, cables, iron bars, and hammers. Some detainees reportedly were shot in the legs at close range, subjected to electric shock, burned, or had heavy implements placed on their feet.

On January 22 and 23, two gay men in Banda Raya, Aceh, were physically and verbally abused by their neighbors and then arbitrarily arrested, beaten, and sexually abused by police. Four police officers were suspended and administratively sanctioned for their abuse of the men. At year's end the case was still under investigation, but the authorities maintained they were unable to file charges because one of the victims had fled Aceh and the other refused to be questioned.

On May 1, police detained a labor leader for his actions leading a rally earlier that day. The next day, while in police custody and a few feet from police personnel, another inmate allegedly beat him. Subsequently, by his account, he was coerced into signing a confession by an interrogating officer who threatened that if he did not sign, the inmate(s) who had beaten him would "cripple" him.

During the year 47 persons were publicly caned in Aceh for offenses under the local Shari'a (Islamic law) such as gambling, consumption of alcohol, and being alone with members of the opposite sex who were not blood relatives. This was a decline from 2006, when at least 61 persons were caned for these offenses.

At year's end there were no known developments in the March 2006 case of Rosidi from Ra'ab, East Java, who was arrested for running an illegal lottery and allegedly beaten in jail by police. Probolinggo police arrested three officers accused of the beating, and they reportedly were administratively sanctioned. There was no publicly available information about the sanctions.

On April 3, fellow students beat to death Cliff Muntu, a student at the government's Institute for Public Administration, because he failed to hold the academy's flag in a proper fashion. The police arrested four suspects in the fatal beating and also Lexie M. Giroth, the dean of the school. On September 9, Giroth was sentenced to one year's imprisonment for attempting to cover up the crime. The four students were expelled, and on November 23, two were sentenced to three-year prison terms.

In March 2006 five senior cadets, in a hazing incident, beat, kicked, and subjected to electric shocks Hendra Saputra, a cadet at the Semarang Police Academy. Hendra suffered serious brain injuries. The authorities charged the five cadets with torturing Saputra. On April 26, the Semarang District Court found the five not guilty. At year's end the prosecution's appeal to the Supreme Court was pending.

There were instances in which police failed to respond to mob or vigilante violence. Mobs carried out vigilante justice, but reliable statistics on such actions were not available. Incidents of theft or perceived theft triggered many such incidents.

#### Prison and Detention Center Conditions

Conditions at the country's 397 prisons and detention centers were harsh. Overcrowding was widespread. In Java occupancy frequently was two or three times more than recommended capacity. Guards regularly extorted money from and mistreated inmates. There were widespread reports that the government did not supply sufficient food to inmates, and family members often brought food to supplement their relatives' diets. Family members reported that prison officials often sought bribes to allow relatives to visit inmates. Unruly detainees were held in solitary confinement for up to six days on a rice-and-water diet.

By law, children convicted of serious crimes should serve their sentences in juvenile prisons. However, according to a November statement by the UN Special Rapporteur on Torture, children were incarcerated with adults in both pretrial detention centers and in prisons. In theory prisons held those convicted by courts, while detention centers held those awaiting trial; however, in practice pretrial detainees at times were held with convicted prisoners.

There were no official restrictions on prison visits by human rights monitors, and prison officials granted varying degrees of access, including to the International Committee of the Red Cross and to the UN.

#### d. Arbitrary Arrest or Detention

The law contains provisions that protect against arbitrary arrest and detention but lacks adequate enforcement mechanisms, and some authorities routinely violated these provisions.

#### Role of the Police and Security Apparatus

The president appoints the national police chief, subject to DPR confirmation. The police chief reports to the president but is not a full member of the cabinet. The national police force has approximately 350,000 personnel deployed throughout the 33 provinces. The police maintain a centralized hierarchy; locally deployed forces formally report to their national headquarters, although during the year cooperation with local governments increased. The military is responsible for external defense but also has a residual obligation to support the police in their domestic security responsibilities. In Aceh the Shari'a police, a provincial body, is responsible for enforcing Shari'a law.

During the year international organizations such as the International Organization for Migration continued to note improvement in police professionalism and an increased emphasis on law enforcement ethics. In recent years internal police investigative reports showed decreased incidents of torture and misuse of firearms. All police training institutions include a human rights component in their curricula. There was an increase in investigations into human rights violations and dismissals of police for misconduct. Overall, police professionalism increased, as did effectiveness at investigating human rights abuses. However, impunity and corruption remained problems in some areas. Police commonly extracted bribes ranging from minor payoffs in traffic cases to large bribes in criminal investigations. From January to October 2006, the Internal Investigation Division (Propam) reportedly investigated 5,486 police officers, including high-level officials, across the country, resulting in 240 dismissals. Other punishments varied from demotion to criminal prosecution.

According to the police inspector general during the year 16,929 police officers were "legally processed" for misconduct including violations of police regulations, criminality, or violations of ethical standards. On November 30, a military tribunal found 15 TNI personnel guilty for their involvement in illegal logging in East Kalimantan. The tribunal ordered the commander dishonorably discharged and sentenced him to 16 months in prison and the other 14 to one year's confinement.

In August the Maluku Propam arrested a police brigadier general in connection with an allegation that he had committed torture using electric shock. At year's end the investigation continued, and the general was in detention.

#### Arrest and Detention

The law provides prisoners with the right to notify their families promptly and specifies that warrants must be produced during an arrest. Exceptions are allowed if, for example, a suspect is caught in the act of committing a crime. The law allows investigators to issue warrants; however, at times authorities made arrests without warrants. A defendant may challenge the legality of his arrest and detention in a pretrial hearing and may sue for compensation if wrongfully detained;

however, defendants rarely won pretrial hearings and almost never received compensation after being released without charge. Military and civilian courts rarely accepted appeals based on claims of improper arrest and detention. The law limits periods of pretrial detention. Police are permitted an initial 20-day detention, which can be extended to 60 days by the prosecutors while the investigation is being completed; prosecutors may detain a suspect for a further 30 days during the prosecution phase, and may seek a 20-day extension from the courts. The district and high courts may detain a defendant up to 90 days during trial or appeal, while the Supreme Court may detain a defendant 110 days while considering an appeal. In addition the court may extend detention periods up to an additional 60 days at each level if a defendant faces a possible prison sentence of nine years or longer or if the individual is certified to be mentally or physically disturbed. During the year authorities generally respected these limits in practice. The antiterrorism law allows investigators to detain any person who, based on adequate preliminary evidence, is strongly suspected of committing or planning to commit any act of terrorism for up to four months before charges must be filed.

During his November visit, the UN Special Rapporteur on Torture found that in many instances the authorities did not grant bail, frequently prevented access to defense counsel during investigations, and limited or prevented access to legal assistance from voluntary legal defense organizations. Court officials sometimes accepted bribes in exchange for granting bail.

#### e. Denial of Fair Public Trial

The law provides for judicial independence. In practice the judiciary remained susceptible to influence from outside parties, including business interests, politicians, and the military. Low salaries continued to encourage acceptance of bribes, and judges were subject to pressure from government authorities, which appeared to influence the outcome of cases.

Under the Supreme Court are general, religious, military, and administrative courts. The Supreme Court normally considers only the lower courts' application of the law. Another avenue for appeal, judicial review, allows the Supreme Court to revisit cases that have already been decided (including by the Supreme Court itself), provided there is new evidence that was not available during earlier trials. Parallel to the Supreme Court is the Constitutional Court, which is empowered to review the constitutionality of laws, settle disputes between state institutions, dissolve political parties, resolve certain electoral disputes, and decide allegations of treason or corruption against the president or vice president. The Constitutional Court demonstrated significant independence and continued to overturn legislation that it found unconstitutional.

In August 2005 the president inaugurated the Judicial Commission with a mandate to propose candidates for appointment as justices to the Supreme Court and to monitor and ensure the integrity of judges. In an August 2006 verdict, the Constitutional Court stripped the Judicial Commission of an oversight role and concluded that the law establishing the commission did not clearly state what the body would monitor. Legal experts criticized the court's decision as counter to efforts to combat corruption, although some asserted that the decision was based on a separation of executive and judicial branches. The Judicial Commission's authority deteriorated further when, on September 26, the Corruption Eradication Commission (KPK) arrested Judicial Commission member Irawady Joenoes for allegedly accepting a bribe in a land procurement deal.

Widespread corruption throughout the legal system continued. Bribes and extortion influenced prosecution, conviction, and sentencing in civil and criminal cases. During the year the National Ombudsman Commission reported it received 218 complaints of judicial corruption involving judges, clerks, and lawyers. Key individuals in the justice system were accused of not only accepting bribes but of turning a blind eye to other government offices suspected of corruption. Legal aid organizations reported that cases often moved very slowly unless a bribe was paid. With the Judicial Commission stripped of its powers, responsibility for judicial supervision rests with the Supreme Court.

Most judges earned \$200 to \$256 (1.8 to 2.3 million rupiah) per month, while a judge with three decades' experience earned approximately \$660 (5.94 million rupiah) per month; Supreme Court justices earned between \$1,540 and \$2,640 (14 to 24 million rupiah) per month.

#### Trial Procedures

The law presumes that defendants are innocent until proven guilty. Defendants have the right to confront witnesses and call 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. However, the courts allowed forced confessions and limited the presentation of defense evidence. Defendants have the right to avoid self-incrimination. The law provides for the right of appeal. In each of the country's 755 courts, a panel of judges conducts trials by posing questions, hearing evidence, deciding on guilt or innocence, and assessing punishment. Both the defense and prosecution can appeal.

The law gives defendants the right to an attorney from the time of arrest and at every stage of examination and requires that defendants in cases involving capital punishment or a prison sentence of 15 years or more be represented by counsel. In cases involving potential sentences of five years or more, the law requires that an attorney be appointed if the defendant

is indigent and requests counsel. In theory indigent defendants may obtain private legal assistance, and NGO lawyer associations provided free legal representation to indigent defendants. In some cases procedural protections, including those against forced confessions, were inadequate to ensure a fair trial.

Apart from the handful of soldiers who were tried in human rights courts, hundreds of low-level and sometimes mid-level soldiers were tried in military courts, including for offenses that involved civilians or occurred when soldiers were not on duty. If a soldier was suspected of committing a crime, military police investigated and then passed their findings to military prosecutors, who decided whether to prepare a case. While administratively managed by the TNI, military prosecutors and judges were responsible to the AGO and the Supreme Court for the application of laws. The Supreme Court exercises administrative control over civil, military, and religious courts. A three-person panel of military judges heard trials, while the military high court and the military supreme court heard appeals. Some civilians criticized the short length of prison sentences imposed by military courts. TNI legal officials noted that all personnel sentenced to terms of three months or longer, regardless of their record or length of service, were discharged from military service. Human rights NGOs complained that the military judicial process was not transparent and that they were unable to confirm any cases of military personnel who committed human rights violations serving time for their crimes. NGO sources said that military court proceedings all the way to the Supreme Court were not public.

Four district courts located in Surabaya, Makassar, Jakarta, and Medan were authorized to adjudicate cases of gross human rights violations. By year's end only the Makassar and Jakarta courts had adjudicated such cases. The law provides for each court to have five members, including three noncareer human rights judges, who are appointed to five-year terms. Verdicts can be appealed to the standing high court and the Supreme Court. The law provides for internationally recognized definitions of genocide, crimes against humanity, and command responsibility, but it does not include war crimes as a gross violation of human rights.

In March 2006 the Supreme Court sentenced militia commander Eurico Guterres to 10 years in prison for charges in connection with atrocities that occurred during 1999 in three Timor-Leste locations: Liquica, Dili, and Suai. Of 18 original defendants, only Guterres received a jail sentence. Guterres filed for a judicial review, and the hearing was held in October 2006. At year's end no decision had been issued. Six of the 18 original defendants were convicted at the trial level. In 2004 the Jakarta High Court overturned four of the sentences. Later in 2004 the Supreme Court acquitted a fifth.

In 2005 the UN sent a Commission of Experts to Indonesia to evaluate the Indonesian ad hoc tribunal and Timor-Leste's Serious Crimes Unit. The commission recommended that either Indonesia retry the 290 perpetrators of violence still at large within six months or that the cases be tried before an international tribunal, including the possibility of an exceptional International Criminal Court investigation (that would extend the court's jurisdiction to crimes committed before its establishment).

In 2005 Indonesia and Timor-Leste established the Truth and Friendship Commission (CTF) to address the human rights violations that occurred in Timor-Leste in 1999. The mandate of the CTF has been extended to February 2008.

Under the Shari'a court system in Aceh, 19 district religious courts and one court of appeals heard cases. The courts heard only cases involving Muslims and used decrees formulated by the local government rather than the penal code. Critics argued that Shari'a regulations were procedurally ambiguous. For example, whether defendants had a right to access to legal aid was unclear and was inconsistently implemented. Although Shari'a cases are supposed to be tried in closed hearings, one high-profile case reportedly was held in open court, exposing defendants to verbal threats from the court audience.

#### Political Prisoners and Detainees

Human Rights Watch reported that on February 21, at least 18 Papuan independence activists were in detention for flag raising. They were charged with incitement of hatred and rebellion.

On October 18, the authorities arrested Papuan human rights activist, Iwanggin Sabar Olif, on suspicion of incitement of hatred and defamation for forwarding text messages. On December 13, Olif was charged with incitement to hatred. Some observers believed he was singled out for arrest for his human rights activities. He received regular access to legal counsel.

#### Civil Judicial Procedures and Remedies

Widespread corruption existed at all levels of the civil legal system. Bribes, extortion, and political considerations appeared to have influenced outcomes in numerous civil cases.

The civil court system can be used to seek damages for victims of human rights violations. However, corruption and political influence limited access of victims to this remedy.

In December 2006, the Constitutional Court ruled that the national Truth and Reconciliation Commission (TRC) created in 2004 by the DPR was unconstitutional (see section 4). The Constitutional Court chief justice stated that the government's lack of progress in appointing the TRC's members was one factor in its decision.

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

The law requires judicial warrants for searches except for cases involving subversion, economic crimes, and corruption. The law also provides for searches without warrants when circumstances are "urgent and compelling." Security officials occasionally broke into homes and offices. The authorities occasionally conducted warrantless surveillance on individuals and their residences and monitored telephone calls. Corrupt officials sometimes subjected migrants returning from abroad, particularly women, to arbitrary strip searches, theft, and extortion.

Unlike in 2006 there were no reports that the special police charged with upholding Shari'a conducted warrantless searches.

In December 2006 the DPR passed a law reaffirming a longstanding requirement that the National Identity Card (KTP), which all citizens are required to carry, identify the holder's religion. NGOs charged that this feature of the KTP undermined the country's pluralistic tradition and endangered cardholders who traveled through areas prone to interreligious conflict.

In some parts of the country, particularly in Kalimantan and Papua, local residents believed that government-sponsored transmigration programs, which move households from more densely populated areas to less populated regions, interfered with their traditional ways of life, land usage, and economic opportunities. Although the number of new persons in transmigration was significantly less than in previous years, the government continued to support approximately 100,000 households moved over the years from overpopulated areas to 403 isolated and less developed areas in 26 provinces.

The government used its authority, and at times intimidation, to expropriate land for development projects, often without fair compensation. In other cases state-owned companies were accused of endangering resources upon which citizens' livelihood depended. In 2005 President Yudhoyono signed a decree on land acquisition for public use, which allows the government to acquire land for private development projects even if landowners have not agreed on the amount of compensation. A number of NGOs argued that the decree served the interests of wealthy developers at the expense of the poor.

During the year land disputes continued to generate charges of unfair evictions and use of excessive force by security officials. There was an increase in evictions of squatters and street vendors during the year. The NGO Poor People's Alliance reported that more than 20,000 persons were evicted from their homes or informal businesses between September and year's end. The NGO Jakarta Legal Aid estimated that security officials evicted 5,935 persons from the North Jakarta turnpike during the year, compared with 6,000 in all of Jakarta in 2006.

In March the Bangil District Court ruled in favor of the navy's right to land disputed with residents in Alastlogo, Pasuruan, East Java. At year's end, however, the land dispute continued with villagers still demanding that the navy return the land and refusing the navy's offer of 1,000 acres of land for approximately 6,000 households.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and the law provide for freedom of speech and freedom of the press; however, the government at times restricted these rights in practice. A vigorous, independent media operated in the country and expressed a wide variety of views generally without restriction. During the year the Constitutional Court continued to strike down articles of the criminal code that hampered freedom of speech. Nonetheless, politicians and powerful businessmen filed criminal or civil complaints against journalists whose articles they found insulting or offensive; some journalists faced threats of violence. During the year the police tapped the cell phone of a *Tempo* journalist to obtain text messages relating to a high-profile corruption scandal.

There was continued debate over proposed revisions to the criminal code. Among the more controversial provisions were ones that would protect government officials and the state ideology (Pancasila) from defamation. The revisions were still under debate at year's end.

During the year authorities arrested at least 39 persons for raising separatist flags in Maluku and Papua, compared with three during 2006. In the past individuals raising separatist flags in the course of peacefully advocating for secession, especially in conflict areas such as Aceh, Papua, and Maluku, were arrested under articles 106, 107, and 108 of the penal code, dealing with treason. Although the Papua Special Autonomy Law permits flying a flag symbolizing Papua's cultural identity, authorities continued to prohibit most public displays of the Papuan Morning Star Flag.

On June 22, the Maluku Brimob investigations unit confiscated at least 60 separatist South Maluku Republic (RMS) flags and RMS documents from a house belonging to a man identified as "DM". Five persons arrested during this raid admitted that they were preparing the flags to be displayed during President Yudhoyono's June 29 visit to Ambon.

On June 29, despite tight security measures, 28 dancers unfurled RMS flags in front of the stage where the president was sitting. The police counterterrorism unit, Detachment 88, arrested the dancers, and the Maluku police chief was dismissed. By year's end the Ambon police had named 35 persons as suspects in the incident. On November 8, the Ambon District Court began the trial of four of the suspects.

On July 1, Yusak Pagake, who began serving a 10-year term in prison for hoisting the Morning Star Flag in 2006, unfurled the flag above his prison for five minutes to mark the anniversary of the Free Papua Movement.

On July 4, police broke up a rally by some 50 demonstrators from the United Front for West Papuan People's Struggle in Yogyakarta after they unfurled a Morning Star flag. No one was arrested.

Jhon Sahureka and Dominggus Saranamual, who were arrested in April 2006 for their involvement in raising the RMS flag in Kudamati, Maluku, were released in May 2006. Popy Egenderph, a target of police investigation since 2004 because of her suspected involvement in past flag-raising incidents, remained in detention.

The government continued to restrict foreign journalists, NGOs, and parliamentarians from traveling to the provinces of Papua and West Papua by requiring them to request permission to travel through the Foreign Ministry or an Indonesian embassy. The government approved some requests and denied others. Some journalists traveled to Papua without permission. There were no reports of restrictions on journalists traveling to previous areas of conflict in Aceh, Maluku, North Maluku, and Sulawesi.

Journalists faced widespread violence and intimidation. From January to December, the Alliance of Independent Journalists (AJI) recorded 75 attacks against journalists, including physical violence as well as verbal threats and lawsuits. In the 12 months ending in August, two journalists were jailed, eight faced lawsuits, 10 were threatened, and 23 were assaulted. Government officials committed 10 acts of violence against journalists, mobs and thugs seven, and private security guards six.

On July 19, Probolinggo District Court found two of three suspects, Nipah and Suit, not guilty of the April 2006 murder of freelance journalist Herliyanto. A third suspect, Slamet, reportedly escaped from a mental hospital.

On April 5, the South Jakarta District Court acquitted *Playboy* magazine editor in chief Erwin Arnada of distributing indecent pictures to the public and profiting from them. The April 2006 publication of the country's first edition of *Playboy* had sparked protests, although it contained no nudity. The police charged four models and the chief editor of the magazine in a lawsuit filed by the Islamic Defenders' Front (FPI) and the Indonesian Anti-Piracy and Pornography Society. In April 2006 approximately 300 FPI activists demanding the magazine cease publication attacked the building housing the magazine's office, causing damage and injuring two police officers. The police arrested three of the FPI members. The publisher moved the magazine's operations from Jakarta to Bali.

On August 30, the Supreme Court ruled in favor of former President Suharto in a libel suit against *Time*, ordering the magazine to pay \$106 million (one trillion rupiah) in damages and print an apology. *Time's* May 1999 cover story "Suharto Inc." alleged that Suharto and his family had embezzled approximately \$15 billion (137 trillion rupiah) in state funds. Suharto first filed a lawsuit against *Time* in 1999, and the Jakarta District Court dismissed the case in June 2000. The Jakarta High Court rejected Suharto's appeal in March 2001. *Time* has filed for judicial review of the decision.

During the year the government took no legal action against any persons responsible for crimes committed against journalists in 2005 and 2006.

In 2002 the government enacted a broadcasting law that established a broadcasting commission (KPI) and designated the state as the sole authority to issue broadcasting licenses. In 2005 the government issued four implementing regulations banning live broadcast of regularly scheduled foreign programs by domestic carriers and giving the broadcast licensing authority to the Ministry of Communications and Information. Although some stations continued to air live broadcasts of foreign news reports, others instituted brief delays--some as short as five to seven seconds--to comply with the law. In May 2006 both the KPI and a coalition of NGOs separately requested that the Supreme Court review the 2005 implementing regulations, arguing they infringe on media freedom, freedom of expression, and freedom of business. In May the Supreme Court rejected the request for review of the four implementing regulations. Local news broadcasts were not censored or subject to broadcast delays.

During the year members of the press continued aggressive reporting on such issues as corruption (including by senior government officials), the Munir murder case, and environmental degradation.

## Internet Freedom

In November 2006 the Ministry of Information created an agency to prevent online crime among local users. Internet cafes are required to provide the identities of Internet users to the agency on a monthly basis. The Ministry of Communication and Information denied that this agency would monitor online content. There were no reported government restrictions on Internet access.

## Academic Freedom and Cultural Events

During the year the government-supervised Film Censorship Institute continued to censor domestic and imported movies for content deemed pornographic or religiously offensive, but no films were prohibited from being shown by the central agency. In February a Balinese film board banned a documentary about the 2002 Bali bombings from being shown in Bali.

The AGO has the authority to monitor written materials. On March 5, the AGO banned further printing and distribution of 13 junior and senior high school history books because they insufficiently emphasized the role of the Communist Party (PKI) in the 1948 uprising in Madiun, East Java, and the 1965 coup attempt in Jakarta. The AGO argued that a Military Court (Mahmilub) had proven that the PKI was involved in the events of 1965 and therefore the omission of these facts in the books was unacceptable. Following the AGO's action, several regional attorneys general offices seized thousands of books from schools and in some cases carried out public book burnings. On July 7, Depok Mayor Nurmahmudi Ismail presided at a burning of 2,500 seized books, and on July 30, 1,340 books were burned outside the Bogor district prosecutor's office.

On December 14, the Jayapura District Prosecutor's Office confiscated 60 copies of local academic Sendius Wonda's book *The Sinking of the Melanesian Race: Indonesia's Political Struggle in West Papua*. The action was based on a November 27 AGO circular banning printed materials that could "mislead the public" and "disturb public order."

On August 25, the band Nidji performed in Banda Aceh, but the police required it to cancel two other performances after local Muslim groups accused them of promoting promiscuity and of having broken Shari'a law by not separating male and female audience members.

On August 10, protesters from an "antipornography" alliance prompted the reigning Miss Universe to curtail a visit to Bandung.

## b. Freedom of Peaceful Assembly and Association

### Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right. The law generally does not require permits for social, cultural, or religious gatherings; however, any gathering of five or more persons related to political, labor, or public policy requires police notification, and demonstrations require a permit. In general these permits were granted routinely. In at least one instance police used this regulation to restrict a separatist demonstration. On December 1, police arrested 37 Papuans in Timika who were celebrating a self-proclaimed Papuan independence. The police said that they did not have permission to stage the rally and that at least six of the group were carrying firearms. The 31 unarmed participants were released immediately. The six accused of carrying firearms remained in detention, and at year's end the status of their case was unknown.

During the year police continued a trend of showing restraint in dealing with violent demonstrations. On August 6, East Jakarta demonstrators protesting a government fuel-transfer program threw stones at police. The police used nonlethal force to control the crowd. At least 40 persons were injured, including five police officers. On August 21 and 22, police in North Maluku used nonlethal methods, including rubber bullets, to deal with a violent demonstration preceding the gubernatorial election. Nine protesters were injured, two seriously.

On other occasions police took no action to protect persons being attacked by mobs. On March 28, the FPI and others attacked members of the National Liberation Party of Unity (Papernas) holding a protest in Jakarta. Rocks were thrown at buses and vans carrying Papernas supporters, who were mostly women and children. The media reported a number of persons including children were injured. The FPI accused Papernas of being a communist organization. The NGO Asian Human Rights Commission reported that police present at the scene took no action to stop the violence.

### Freedom of Association

The law provides for freedom of association, and the government generally respected it in practice. The People's Consultative Assembly banned the PKI in 1966. In previous years persons accused of being affiliated with the PKI were barred from the civil service and given special numbers on their national identity cards.

### c. Freedom of Religion

The constitution provides for "all persons the right to worship according to his or her own religion or belief" and states that "the nation is based upon belief in one supreme God." The government generally respected the former provision. Six faiths--Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism--received official recognition in the form of representation at the Ministry of Religious Affairs. On February 24, the Home Affairs Ministry issued a regulation requiring local and provincial administrations to provide administrative services, such as issuing marriage licenses and identification documents that denote the bearer's religious affiliation, to Confucians. Other religious groups were able to register with the government, but only with the Ministry of Home Affairs and only as social organizations. These groups experienced some official and social discrimination. The law does not recognize atheism and in practical terms requires all persons to identify themselves with one of the six faiths acknowledged by the government.

The civil registration system continued to discriminate against members of minority religions. Civil registry officials refused to register the marriages or births of children of members of the Baha'i faith and others because they did not belong to one of the six officially recognized faiths. According to the Hindu association Parisadha Hindu Dharma Indonesia, Hindus, particularly in North Lampung, Southeast Sulawesi, Kalimantan, and some areas in East Java, despite official recognition of their religion, sometimes had to travel greater distances to register marriages or births because local officials would not perform the registration.

On July 28, couples who adhere to traditional beliefs (Aliran Kepercayaan) gained the right to have their marriages officially recognized under the law, which allows Aliran Kepercayaan leaders to officiate marriage ceremonies and sign marriage certificates, which can then be registered with the government.

Persons whose religion was not one of the six officially recognized faiths had difficulty obtaining a KTP, which was necessary to register marriages, births, and divorces. Several NGOs and religious advocacy groups urged the government to delete the religion category from the KTPs, but the DPR passed legislation in December 2006 retaining it.

Men and women of different religions experienced difficulties in marrying and in registering marriages. The government refused to register a marriage unless a religious marriage ceremony had taken place. However, very few religious officials were willing to take part in weddings involving couples of different faiths. For this reason, some brides and grooms converted to their partner's religion. Others resorted to traveling overseas to wed.

In April the Malang police arrested eight persons accused of disseminating a "prayer training" video produced by the College Student Service Organization in Batu, East Java. The video allegedly depicts 30 Christians at a December 2006 gathering being instructed to put Korans on the floor. Since April an additional 33 persons were detained under blasphemy charges in connection with the videos. Christian church leaders denied that Christians were involved in the production or distribution of the videos. On September 6, the court found all 41 accused guilty of insulting religion and sentenced each to five years in prison.

On June 11, the three women sentenced in 2005 to three-year prison terms for attempting to convert Muslim children to Christianity were released on parole.

As in previous years, some political parties advocated amending the constitution to adopt Shari'a on a nationwide basis, but most parliamentarians and the country's largest Muslim social organizations remained opposed to the proposal. There were no attempts by the national parliament or local legislatures to amend the constitution to adopt Shari'a laws. However, some local governments issued Shari'a-based local laws. Some human rights groups argued that these laws were illegal, since the country's regional autonomy law prohibits local laws from dealing with religion. Others argued that the Shari'a-based laws violated constitutional provisions that proscribe religiously based laws. Central government authorities have not challenged the issuance of such local regulations.

As in previous years, during the Muslim fasting month of Ramadan, many local governments ordered either the closure or limited operating hours for various types of "entertainment" establishments, particularly bars and nightclubs not located in five-star hotels. Government and mainstream Islamic leaders called on fringe groups not to carry out vigilante closings of establishments that violated these decrees, and these groups complied.

### Societal Abuses and Discrimination

Until mid-December there had been significantly fewer attacks against the Ahmadiyah Islamic sect, considered heretical by many mainstream Muslims, than in the previous year. However, on December 18, a mob attacked a housing complex belonging to the Ahmadiyah in Kuningan, West Java, damaging 14 houses and two small mosques. The violence then spread to other locations in West Java including Manis Lor village, Kuningan Regency, and Sukajaya village, Tasikmalaya Regency. Moreover, the Ahmadiyah continued to face societal discrimination, and the government has done little to pursue accountability or to punish perpetrators of past attacks. In the wake of the December violence, the vice president ordered that the police "get tough" on Muslims who attack members of "deviant" Islamic sects.

On February 2, dozens of Ahmadiyah members came to the West Nusa Tenggara governor's office to demand that they be returned to their village of Gegerungan, Ketapang, West Lombok, after living over a year at a displaced persons camp in Mataram. In February 2006 between 500 and 1,000 local residents attacked an Ahmadiyah housing complex and forced 187 Ahmadiyah members from 25 homes. Conditions had deteriorated since the West Lombok Regency stopped supplying food and health services to the camp in January. At year's end more than 130 of the Ahmadiyah members remained at the Mataram camp.

In April the West Nusa Tenggara Chapter of the Indonesian Council of Ulemas (MUI) asked the West Nusa Tenggara governor to issue a ban on the Ahmadiyah because of the group's deviation from Islam.

At year's end the Ahmadiyah compound in Bogor, West Java, which was attacked and damaged in 2005, remained sealed, although Ahmadiyah members were able to use the office facilities. In his statement on the December violence, the vice president also said that "all seals locking the Ahmadiyah's places of worship have to be removed."

During the year another Islamic sect, Al-Qiyadah, also was accused of "deviating" from Islam, and the MUI urged that it be banned. Police briefly detained approximately two dozen of the sect's followers, ostensibly to protect them. All of the followers were released, some after being "converted" back to mainstream Islam. In November the AGO officially banned the sect, and the sect leader publicly announced his return to mainstream Islam.

During the year attacks against churches continued, primarily in West and East Java, although less frequently than in the past. Some churches were forced to close due to community pressure: in November a Catholic church in Tambora District, West Jakarta, stopped holding services under pressure from the local community.

In Central Sulawesi, Maluku, and North Maluku, religiously motivated violence and vigilante acts occurred less frequently than in previous years. Tensions in Central Sulawesi escalated slightly, however, following police action to capture 29 individuals wanted for perpetration of violent crimes. Following a police raid on January 11, bombs exploded in Poso's central market on January 12 and in three locations in Gebangrejo on January 20.

Another bomb detonated in the empty Eklesia church in Poso on July 1. On July 23, a South Jakarta State Court tried Abdul Muis for his involvement in the murder of Reverend Irianto Kongkoli in October 2006 in Palu, Central Sulawesi. The other suspect, Dedi Parsan, was shot and killed during the police raid on January 11.

The indigenous Jewish population is small. *Sabili*, a widely read Islamic magazine, continued to publish anti-Semitic articles. An account of a possible interest in investing in Aceh by the well-known financier George Soros prompted some Muslim political parties in Jakarta to issue statements about a "hidden agenda" and warning the government against Jews enticing the country to be weak on the Palestinian struggle. One member of parliament was quoted as saying: "Tell the Jews there is no place for their investment in Indonesia."

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution allows the government to prevent persons from entering or leaving the country. The Law on Overcoming Dangerous Situations gives military forces broad powers in a declared state of emergency, including the power to limit land, air, and sea traffic; however, the government did not use these powers. Citizens enjoy freedom of movement within the country and, with few exceptions, are able to travel outside the country.

During the year the government continued to restrict freedom of movement for foreigners to Papua through a system of "travel letters," but enforcement was inconsistent. On July 3, a foreign parliamentarian was denied permission to visit Papua during his visit to the country. In November the parliamentarian was granted permission to visit Papua.

The government prevented at least 788 persons from leaving the country during the year. The immigration office prevented these departures at the request of the police, AGO, KPK, and the Department of Finance. Some of those barred from leaving were delinquent taxpayers, convicted or indicted persons, and persons otherwise involved in legal disputes.

The constitution prohibits forced exile, and the government did not use it.

#### Internally Displaced Persons (IDPs)

The Internal Displacement Monitoring Center reported that there were between 150,000 and 250,000 IDPs in the country, between 30,000 and 150,000 of whom were in Aceh, almost all the result of the 2004 tsunami. Some of the Aceh IDPs lived in temporary shelters, while others stayed with host families or were integrated into local communities. According to the Aceh Reconstruction and Rehabilitation Body, there were 5,200 tsunami victims still living in barracks and other

temporary housing. A mud flow in Porong, East Java, left 2,500 persons in camps.

#### Protection of Refugees

The country is not a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. However, in practice there were no reports of refoulement, the forced return of persons to a country where there is reason to believe they feared persecution. The government cooperated with the UN High Commissioner for Refugees (UNHCR), which maintained an office in Jakarta, in assisting refugees and asylum seekers. At year's end there were 245 UNHCR-recognized refugees and 152 asylum seekers living in the country. Some were applicants and others were dependents. Most were from Iraq, Afghanistan, Somalia, or Sri Lanka.

The above figures do not include 10,436 former refugees from East Timor who resided in East Nusa Tenggara at the end of 2006, according to the East Nusa Tenggara Coordinating Unit for Disaster Management.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The constitution provides for national elections every five years. DPR members automatically are members of the People's Consultative Assembly, a fully elected body consisting of the 550 DPR members and the 128 members of the House of Regional Representatives (DPD).

#### Elections and Political Participation

In 2004 President Yudhoyono became the country's first directly elected president in free and fair elections. Direct local elections, which began in 2005, have been generally free and fair. During the year the government held 53 local elections: nine for governor, 11 for mayor, and 33 for regent. Observers generally perceived the local elections as free and fair and, with a few exceptions, without incident affecting the outcome.

Most instances of election-related violence involved supporters of losing candidates attacking local election offices.

On August 21 and 22, thousands of supporters of the North Maluku traditional leader, Sultan of Ternate Mudaffer Syah, protested a local election office decision barring the sultan from running in the gubernatorial election. They occupied the premises of the local election office, blockaded major roads, and clashed with police who attempted to control the crowds.

On November 5, demonstrators surrounded the local election office in Talakar, South Sulawesi, protesting the regional election results. Demonstrators threw stones at police and burned tires. Police arrested 11 of the demonstrators. On December 19, the Supreme Court accepted the defeated incumbent's challenge to the South Sulawesi gubernatorial election results and ordered revoting in four regencies.

All adult citizens are eligible to vote except active members of the military and the police, convicts serving a sentence of five years or more, persons suffering from mental disorders, and persons deprived of voting rights by an irrevocable verdict of a court of justice. Married juveniles are legally adults and allowed to vote.

There are no legal restrictions on the role of women in politics. During the year women held four of 36 cabinet seats. The election law includes a nonbinding call for parties to select women for at least 30 percent of the candidate slots on their party lists. A political parties law passed in December mandates that women make up 30 percent of the founding members of a new political party. Women made up 11.3 percent of the elected members of the DPR, 25 of the 128-member DPD were women, there was one female governor, and six elected female district chiefs. Women held disproportionately few leadership positions in local government in some provinces; for example, in Aceh the highest positions held by women were two deputy mayor and deputy regent positions.

During the year the Constitutional Court ruled that independent candidates could run for local office and that a political party's nomination was not required. By year's end the ruling had not been implemented.

With the exception of Aceh Province, where non-Muslims were effectively blocked from political office by a requirement that all candidates must demonstrate their ability to read the Koran in Arabic, there were no legal restrictions on the role of minorities in politics. There were no official statistics on the ethnic backgrounds of legislators in the DPR. President Yudhoyono's cabinet consisted of a plurality of Javanese, with others being of Sundanese, Bugis, Batak, Acehnese, Papuan, Balinese, Arab, and Chinese heritage.

## Government Corruption and Transparency

There was widespread domestic and international perception that corruption was a part of daily life. Soon after taking office, the president established the Corruption Eradication Commission, giving it a broad investigative mandate. On July 23, former minister of maritime affairs and fisheries Rokhmin Dahuri was sentenced to seven years' imprisonment in connection with a \$1.26 million (approximately 12 billion rupiah) off-budget fund. On September 13, Golkar Party DPR member Nurdin Halid was sentenced to two years for misuse of government funds.

In December 2006 the Constitutional Court ruled that the legal provision creating the Anti-Corruption Court was unconstitutional but permitted the court to continue functioning for three more years.

The AJI reported no problems for the media in obtaining unclassified public documents from the government, although there is no law requiring the government to grant access to information to citizens and noncitizens. During the year, in response to a presidential decree on judicial transparency, the judiciary established a Web site that allows the public to access court decisions. In practice, civil society court monitors noted that some court decisions and legislation were still difficult to obtain.

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

The government met with local NGOs, responded to their inquiries, and took some actions in response to NGO concerns. UN Special Representative on the Situation of Human Rights Defenders Hina Jilani visited June 5 to 12 and was given full and unimpeded access to human rights defenders, including those in Papua and Aceh.

During the year, at the instruction of the president, the police began a new investigation into the 2004 killing of human rights activist Munir Said Thalib (see section 1.a.).

Domestic human rights organizations operated throughout the country and actively advocated for improvements to the government's human rights performance; however, they were subjected to monitoring, harassment, and interference by the government. Komnas HAM reported that from 2000-4, 14 human rights activists were killed, and no perpetrators were brought to justice. There have been no reports of human rights activists killed since 2004.

NGOs in Papua continued to report widespread monitoring of their activities by intelligence officials as well as threats and intimidation. Activists reported that intelligence officers took their pictures surreptitiously and sometimes questioned their friends and family members regarding their whereabouts and activities. Following Hina Jilani's June 8 visit to Jayapura, Papua, the Chairman of Komnas HAM Papua, Albert Rumbekwan, reported that he received numerous death threats and was followed. He reported that he was afraid to go to his office or home. According to Papuan human rights activists, a car with military intelligence license plates intentionally hit the moving car of a Papuan human rights activist. According to the activist's account, the incident was witnessed by police, who allowed the perpetrators to leave the scene.

The government generally viewed outside investigations or foreign criticism of its human rights record as interference in its internal affairs. The security forces and intelligence agencies tended to regard with suspicion foreign human rights organizations, particularly those operating in conflict areas. Government monitoring of foreigners was apparent in conflict areas. Some domestic human rights organizations expressed concern about the possible negative consequences of contacting foreigners.

A number of government agencies and affiliated bodies addressed human rights problems, including the Ministry of Law and Human Rights, the Ministry of Foreign Affairs, the Ministry of Women's Empowerment, the National Commission on Violence Against Women (Komnas Perempuan), and Komnas HAM. In recent years Komnas HAM's efforts to expose human rights violations and bring perpetrators to account were undermined by a number of court decisions regarding its jurisdiction or authority: in 2005 the TNI stated it could not cooperate with attempts by Komnas HAM to summon retired and active-duty generals to answer questions about the abduction of prodemocracy activists between 1997-8. Parliament failed to approve formation of an ad hoc human rights court that could investigate severe human rights violations that occurred before 2000.

In December 2006 the Constitutional Court annulled the law mandating a Commission of Truth and Reconciliation to investigate Suharto-era abuses. Rights activists had challenged specific provisions allowing amnesty for perpetrators of severe human rights violations and limiting victims' ability to obtain compensation. However, the court ruled that the whole law should be repealed. The Constitutional Court based this decision on two factors: the impropriety of the TRC offering amnesty and the lack of progress in central government's selection of the 21 members of the TRC. The annulment of the law left victims of past human rights violations without a compensation mechanism.

The Law on the Government of Aceh promulgated in August 2006 states that a Human Rights Court would be established in Aceh within one year and that the judgments passed by the Human Rights Court would prescribe compensation,

restitution, and rehabilitation for the victims of human rights violations. By year's end the government indicated that it was prepared to designate court officials as required as soon the appropriate authorities recommend a case for prosecution.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution does not explicitly prohibit discrimination based on gender, race, disability, language, or social status. It provides for equal rights for all citizens, both native and naturalized. However, in practice, the government failed to defend these rights adequately.

##### Women

The law prohibits domestic abuse and other forms of violence against women. However, rape and domestic violence were problems.

Reliable nationwide statistics on the incidence of rape continued to be unavailable. The legal definition of rape is narrow and excludes some acts that would commonly be treated as rape in other countries, such as marital rape. Sentencing continued to be a problem. Although rape is punishable by four to 12 years in jail, and the government jailed perpetrators for rape and attempted rape, most convicted rapists were sentenced to the minimum or less.

Violence against women remained poorly documented. Nationwide figures were unavailable. The National Commission on Violence Against Women reported that in 2006 (the most recent statistics available) there were 22,512 cases of violence handled by partner organizations across the country, and the local press reported that violence against women continued to increase. Most NGOs working on women and children's issues believed the real figure was far higher, noting the tendency of many victims to keep silent. As of October the NGO LBH Apik had handled 713 cases of violence in Jakarta. Two types of crisis centers were available for abused women: government-run centers in hospitals and NGO centers in the community.

Nationwide the police operated "special crisis rooms" or "women's desks" where female officers received criminal reports from women and child victims of sexual assault and trafficking and where victims found temporary shelter. On July 6, the police chief mandated that all police stations provide special crisis facilities on-site.

The legal differentiation between a woman and a girl was not clear. The law sets the minimum marriageable age at 16 for a woman (and 19 for a man), but the Child Protection Law states that persons under age 18 are children. A girl who marries has adult legal status. Girls frequently marry before reaching the age of 16, particularly in rural areas.

Female genital mutilation (FGM) was practiced in some parts of the country, including West Java. Complications reportedly were minimal. Some NGO activists dismissed any claims of mutilation, saying the ritual as practiced in the country was largely symbolic. Following September meetings with the Committee on the Elimination of Discrimination Against Women, the minister of women's empowerment called for a complete ban of the practice. This followed a 2006 Ministry of Health ban of FGM by doctors and nurses. However, symbolic female circumcisions that do not involve physical damaging of the child could be carried out, and violators of the ban did not face prosecution.

Prostitution is not specifically addressed in the law. However, many officials interpreted "crimes against decency/morality" to apply to prostitution. Prostitution was widespread and largely tolerated, despite its contradiction with popular societal and religious norms. During the year security forces reportedly participated in operating brothels or protection rackets shielding brothels from prosecution. International sex tourism reportedly continued, especially on the islands of Batam and Karimun and in major urban centers across the country.

Although it is not explicitly mentioned, sexual harassment is against the law and is actionable under the criminal code.

State policy and the law state that women have the same rights, obligations, and opportunities as men. However, the law also states that women's participation in the development process must not conflict with their role in improving family welfare and educating the younger generation. The marriage law designates the man as the head of the family. Women in many regions of the country, particularly in Papua, complained about differential treatment based on gender.

Although legal scholars believed that local governments lacked authority to legislate on religious matters, local governments continued to implement Shari'a-based local laws that many human rights and women's activists believed discriminate against women. During the year no new Shari'a-based local laws were passed. The central government has not challenged the validity of those regulations passed in previous years. In 2005 the local government of Tangerang, Banten, issued a regulation prohibiting women who "behave like prostitutes" and who are unaccompanied by male relatives from frequenting public areas in Tangerang after dark. The law also prohibits public displays of affection. Violation of this law is punishable by three months' imprisonment or a maximum fine of \$1,666 (15 million rupiah). Many activists protested the law because of its potential to lead to wrongful arrests of innocent women.

Divorce is available to both men and women. Muslims who sought divorce generally turned to the Shari'a-based family court system as a faster and cheaper alternative to the national court system. Non-Muslims obtained divorces through the national court system. Due to prejudicial attitudes, women often faced a heavier evidentiary burden than men, especially in the Shari'a-based family court system. Although both Islamic and national courts may award alimony, many divorcees received no alimony, since there was no system to enforce such payments. Men and women both keep the separate property they owned before marriage. If there is no prenuptial agreement, joint property is divided equally. The law requires a divorced woman to wait a certain period of time before remarrying; a man can remarry immediately.

During the year the government continued to implement Shari'a in Aceh. The impact of this implementation varied across the province but in general appeared to be less intrusive than in 2006 due to improved government oversight of the Shari'a police. The most visible impact on women's rights appeared to be the enforcement of dress codes. It was not uncommon for Shari'a police to briefly detain women whose dress did not conform to local Shari'a requirements and lecture them on appropriate attire. Local governments and groups in areas outside Aceh also undertook campaigns to promote conformity by women with the precepts of Shari'a. Some women told reporters that they felt humiliated when detained for dress code violations.

Women faced discrimination in the workplace, both in hiring and in gaining fair compensation. According to an International Trade Union Confederation (ITUC) report issued during the year, women on average earned 74 percent of what men earned, were overrepresented in unpaid and lower-paid positions in the informal sector, and held only 17 percent of managerial positions. According to the government, 43 percent of all civil servants were women, but they accounted for less than 7 percent of senior government officials.

Some activists said that in manufacturing, employers relegated women to lower-paying, lower-level jobs. Many female factory workers were hired as day laborers instead of as full-time permanent employees, and companies were not required to provide benefits, such as maternity leave, to day laborers. By law if both members of a couple worked for a government agency, the couple's head-of-household allowance was given to the husband.

Organizations around the country promoted women's rights or otherwise addressed women's issues during the year, including Komnas Perempuan, Solidaritas Perempuan, Mitra Perempuan, LBH-Apik, and the International Catholic Migration Commission.

#### Children

The government stated its commitment to children's rights, education, and welfare, but it devoted insufficient resources to fulfill that commitment. Although the law provides for free education, in practice most schools were not free of charge, and poverty put education out of the reach of many children. Child labor and sexual abuse were serious problems. In 2003 the leader of the National Commission for Child Protection identified the most pressing problems related to the country's youth as child labor, child trafficking, child prostitution, street children, children in conflict areas, and undernourished children. The Child Protection Act addresses economic and sexual exploitation of children as well as adoption, guardianship, and other problems; however, some provincial governments did not enforce its provisions.

Although the law provides for free birth registration, it was not enforced, and approximately 30 percent of citizen births were not registered. It was often impossible to be certain of a child's age, and ages were falsified on identity cards, sometimes with the cooperation of government officials.

By law children are required to attend six years of elementary school and three years of junior high school; however, in practice the government did not enforce these requirements. According to the government's 2006 National Socio-Economic Household Survey, school enrollment rates were 97.7 percent for children ages seven to 12, 84.1 percent for children ages 13 to 15, and 53.9 percent for children ages 16 to 18. Although girls and boys ostensibly received equal educational opportunities, boys were more likely to finish school.

Monthly fees for public schools varied by province and were based on average incomes. Tuition, transportation, and school materials could cost a family between \$444 and \$777 (four million to seven million rupiah) per year for each primary and secondary student. In June 2005 the International Labor Organization (ILO) conducted a limited child labor survey in areas within five provinces (North Sumatra, East Kalimantan, West Java, East Java, and South Sulawesi), which revealed that one in five school-age children from low-income families had no access to education and experienced various kinds of exploitation at work--both in the formal and informal sectors. The survey also found that of 2,438 school-age children below 15 years of age, 19 percent were not attending school. It was unclear how many children were forced to leave school to help support their families. In some remote areas of East Java, lack of nearby school locations contributed to dropout rates as high as 50 percent and led children to seek work. In some areas parents and watchdog groups complained that corruption among public servants severely undermined the quality of education.

Boys and girls enjoyed equal access to government-provided healthcare.

Child abuse is prohibited by law, but government efforts to combat it generally have been slow and ineffective. NGOs

reported that it continued to take excessively long to bring a child rape case to court and that mechanisms for reporting and dealing with child abuse were vague.

Commercial sexual exploitation of children continued to be a serious problem. The number of child prostitutes in the country was unclear, but the problem was widespread. Many teenage girls were forced into or found themselves caught in debt bondage. At times law enforcement officials treated child prostitutes as criminals rather than victims. Corrupt civil servants issued identity cards to underage girls, facilitating entry into the sex trade. There also were reports of sexual exploitation of boys. During the year NGOs reported that long-active pedophile rings continued to operate in Bali. During the year police broke up several large syndicates trafficking children both domestically and internationally, rescuing dozens of children and arresting officials complicit in falsifying the age of the children on official documents.

There were cases in which employment brokers paid parents advances of future salaries to be earned by their daughters. The child was required to repay the employment brokers. Researchers described a "culture of prostitution" in some parts of the country, where parents encouraged their daughters to work as big-city prostitutes and send the proceeds home.

NGO observers said many girls were forced into prostitution after failed marriages they had entered into when they were 10 to 14 years of age. There was no obvious violation of the law, because their paperwork identified them as adults due to the fact they were once married.

The government officially estimated that there were 2.1 million child laborers in the country. Other informed persons believed the number to be much higher.

A UN report found that juvenile detainees in prisons across Java were subjected to harsh conditions. The report noted that children as young as 10 were subjected to severe physical abuse by both police and other inmates. Although children were detained in juvenile detention centers, due to the high number of detainees, children frequently were mixed with the general population in both jails and prisons increasing the potential for abuse.

In East Java, local NGOs reported that the government paid little attention to the rights of juvenile offenders. In Surabaya, juveniles were held in the same detention facilities as adults during pretrial and trial phases of detention. The only prison for juveniles in Blitar, East Java, is far from the population centers of the province. As of July 2006, there were 126 juveniles in the Blitar prison. According to the East Java Children's Protection Agency, the physical conditions were inhumane. Most juveniles from Surabaya were remanded to Surabaya-area adult facilities. Juveniles frequently experienced abuse while in detention.

Substantial numbers of street children were apparent in Jakarta and the provinces of East Java, West Java, North Sumatra, and South Sulawesi. Surabaya, in East Java, was home to approximately 8,000 street children, many reportedly susceptible to sexual abuse and violence. Approximately 40 shelters in the province provided services to such children. The Jakarta City government operated a shelter with the capacity for approximately 200 children. The government continued to fund other shelters administered by local NGOs and paid for the education of some street children.

A number of NGOs promoted children's rights, including Child Advocacy Network, National Commission on Child Protection, Center for Study and Child Protection, and Foundation for Indonesian Child Welfare.

#### Trafficking in Persons

The government recognized trafficking as a crime and a serious national issue and in March enacted a comprehensive antitrafficking law. It also took steps against corruption-related complicity. The antitrafficking law meets international standards and includes a comprehensive mandate for rescue and rehabilitation of victims. It outlaws all forms of trafficking including debt bondage and sexual exploitation and provides stiff penalties for officials and labor agents complicit in trafficking. Penalties for trafficking range from between three and 15 years in prison, with penalties for officials assessed at a rate one-third higher.

The country remained a major source for international trafficking in persons and faced a significant internal trafficking problem. It also was a receiving country for trafficked prostitutes, although the number was small relative to the number of Indonesian victims. The country was not a major transit point for trafficking. Malaysia and Saudi Arabia as well as other countries in the Middle East and Asia were destinations, and there were a few isolated cases of alleged trafficking to the United States. Prostitution, domestic servitude, and work in restaurants and hotels were the primary purposes, with some forced labor in construction and plantation work. Women and girls were also trafficked into forced marriages, particularly to Taiwan. Boys and girls under age 18 and secondarily women of all ages were most vulnerable to trafficking; however, all impoverished citizens were potential victims. Victims were subjected to physical and psychological abuse, sometimes resulting in death due to abuse or suicide. According to medical records approximately 70 percent of trafficked women--including domestic servants--contracted venereal disease. Some trafficking victims were forced to work long hours, seven days a week, without pay and in inhuman conditions.

Trafficking networks were decentralized beginning with neighborhood brokers who trafficked victims to labor supply agencies in large cities, who in turn sold victims to labor supply agencies in receiving countries. Local government, immigration, and manpower officials were complicit in the process. Domestically, women and girls were trafficked into prostitution by local recruiters and sold into a sophisticated national network. Local officials, police, and military were complicit in this as well.

Law enforcement against traffickers increased during the year: arrests increased from 142 to 165; prosecutions and convictions were believed to show similar increases, but statistics were not available. In 2006 the average sentence was 54 months in prison, compared with 30 months in 2005. During the year the government trained more than 1,000 law enforcement officials on fighting trafficking, often in interagency courses also attended by NGOs. The numbers of special antitrafficking police and prosecutors increased. The National Plan of Action (NPA) led to more effective national coordination. During the year, under the new law, there were dozens of arrests of domestic and international traffickers and hundreds of victims were rescued. Major cases included the arrests of a Jordanian, three Syrians, and three citizens in August, which resulted in the rescue of 121 trafficked persons. During the year officials, including diplomats and immigration officials, were also prosecuted for trafficking. Dozens of labor supply agencies using false documents were closed.

The NPA increased cooperation among law enforcement agencies, social service providers, and NGOs. The trafficking law and the NPA provided a system for prevention, law enforcement, and rescue and rehabilitation of trafficking victims. National and local task forces included social service, health, and law enforcement agencies, as well as civil society organizations. Trafficking victims were treated at police hospitals where they received counseling and were interviewed by police so they could press charges if they so chose. During the year dozens of traffickers were prosecuted under this system. Working with international NGOs, the government also helped rehabilitate victims and provided them with education or job skills.

A social stigma of being trafficked or returning home poor inhibited many victims from reintegrating into society; in some cases victims were trafficked by their parents and risked being victimized again if they returned home. Government funding for assisting victims was insufficient. Civil society played a major role in prevention of trafficking and assistance of victims.

The Singkawang District of West Kalimantan remained well known as an area from which poor, ethnic Chinese women and teenage girls between the ages of 14 and 20 were recruited as "mail order" brides for men, primarily in Taiwan but also in Hong Kong and Singapore. In some cases the women were trafficked for sexual exploitation and slave-like servitude.

Many victims became vulnerable to trafficking during the process of becoming migrant workers. Many unauthorized recruiting agents operated throughout the country and were involved in trafficking to various degrees, and some government-licensed recruiting agents also were implicated in trafficking. Recruiting agents often charged exorbitant fees leading to debt bondage and recruited persons to work illegally overseas, which increased the workers' vulnerability to trafficking and other abuses.

Credible sources noted that individual security force members were involved in setting up and protecting brothels. Traffickers and brothel owners reportedly paid protection money to security force members. An NGO survey of trafficking in Papua concluded that military members operated or protected brothels that housed trafficking victims. Apart from police and soldiers, some government officials were complicit in trafficking, particularly in the production of false documents. The prevalence and ease of obtaining fraudulent national identity cards, which could document children as adults, contributed to the trafficking problem. Within society and the government, there was continued reluctance to acknowledge that prostitution was a major problem.

#### Persons with Disabilities

The government classified persons with disabilities into four categories: blind, deaf, mentally disabled, and physically disabled. The constitution requires the government to provide them with "care"; however, care is not defined, and the provision of education to children with disabilities never was inferred from the requirement. The law also mandates accessibility to public facilities for persons with disabilities; however, the government did not enforce this provision. Few buildings and virtually no public transportation facilities provided such accessibility. The law requires companies that employ more than 100 workers to set aside 1 percent of their positions for persons with disabilities. However, the government did not enforce the law, and persons with disabilities faced considerable discrimination.

In urban areas only a few city buses offered wheelchair access, and many of those have had their hydraulic lifts vandalized, rendering them unusable.

In 2003 the government stated the country was home to 1.3 million children with disabilities, in 2007 according to government statistics 72,425 children with disabilities attended school. The actual number of children with disabilities was believed to be much higher. The law provides children with disabilities with the right to an education and rehabilitative treatment. A government official alleged that many parents chose to keep children with disabilities at home; however,

many schools refused to accommodate such children, stating they lacked the resources to do so. According to the government, there were 1,568 schools dedicated to educating children with disabilities; 1,202 of them were run privately. Some young persons with disabilities resorted to begging for a living.

Few companies provided facilities for persons with disabilities, and fewer companies employed disabled persons. Accessibility to public facilities for disabled persons was limited. In November 2006 Surabaya's new airport opened and reportedly was not accessible for persons with disabilities. Lack of funds was generally cited as the primary reason for not improving accessibility.

The government provided voting facilities for persons with disabilities. The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities.

#### National/Racial/Ethnic Minorities

The government officially promotes racial and ethnic tolerance. Ethnic Chinese accounted for approximately 3 percent of the population, by far the largest nonindigenous minority group, and played a major role in the economy. Instances of discrimination and harassment of ethnic Chinese continued to decline compared with previous years. Recent reforms increased religious and cultural freedoms. However, some ethnic Chinese noted that public servants still discriminated against them when issuing marriage licenses and in other services and often demanded bribes for a citizenship certificate, although such certificates were no longer legally required. An attorney advocate for the rights of ethnic Chinese noted 50 articles of law, regulation, or decree that discriminated against ethnic Chinese citizens. NGOs such as the Indonesia Anti-Discrimination Movement urged the government to revoke the remaining discriminatory articles.

#### Indigenous People

The government views all citizens as "indigenous"; however, it recognizes the existence of several "isolated communities" and their right to participate fully in political and social life. These communities include the myriad Dayak tribes of Kalimantan, families living as sea nomads, and the 312 officially recognized indigenous groups in Papua. During the year indigenous persons, most notably in Papua, remained subject to widespread discrimination, and there was little improvement in respect for their traditional land rights. Mining and logging activities, many of them illegal, posed significant social, economic, and logistical problems to indigenous communities. The government failed to prevent domestic and multinational companies, often in collusion with the local military and police, from encroaching on indigenous people's land.

In Papua tensions continued between indigenous Papuans and migrants from other provinces, between residents of coastal and inland communities, and among tribes.

In Central Kalimantan, relations between indigenous Dayaks and ethnic Madurese transmigrants remained poor in the wake of 2001 interethnic violence. Relations between the two groups also remained poor in West Kalimantan, where former residents of Madurese descent were obstructed in their attempts to reclaim their property. In November and December, there was an increase in tensions between Madurese, Chinese, and Dayaks in the wake of local elections.

Human rights activists said that the government-sponsored transmigration program transplanting poor families from overcrowded Java and Madura to less populated islands violated the rights of indigenous people, bred social resentment, and encouraged the exploitation and degradation of natural resources on which many indigenous persons relied. In some areas, such as parts of Sulawesi, the Maluku, Kalimantan, Aceh, and Papua, relations between transmigrants and indigenous people were poor.

#### Other Societal Abuses and Discrimination

Stigma and discrimination against persons with HIV/AIDS were pervasive. However, the government encouraged tolerance, took steps to prevent new infections, and provided free antiretroviral (ART) drugs, although with numerous administrative barriers. The government position of tolerance was adhered to unevenly at all levels of society; for example, prevention efforts often were not aggressive for fear of antagonizing religious conservatives, and in addition to barriers to access to free ART drugs, potential recipients had to pay medical fees that put the cost beyond the reach of many.

#### Section 6 Worker Rights

##### a. The Right of Association

The law provides broad rights of association for workers, and workers exercised these rights. The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and workers did so in practice. The law stipulates that 10 or more workers have the right to form a union, with membership open to all workers, regardless of political affiliation, religion, ethnicity, or gender. 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

representatives. The Ministry of Manpower and Transmigration (the manpower ministry) records, rather than approves, the formation of a union, federation, or confederation and provides it with a registration number. During the year some unions reported local Manpower Ministry offices prejudicially recommended denial of registration. The vast majority of union members belonged to one of three union confederations.

In 2005 the manpower ministry estimated total trade union membership at less than 4 percent of the total workforce (including the informal sector), or 14 percent of the formal sector.

The law recognizes civil servants' freedom of association and right to organize, and employees of several ministries formed employee associations; union organizations sought to organize these workers. Unions also sought to organize state-owned enterprise (SOE) employees, although they encountered resistance from enterprise management, and the legal basis for registering unions in SOEs remained unclear.

The law allows the government to petition the courts to dissolve a union if it conflicts with the state ideology or the 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 five years in prison. Once a union is dissolved, its leaders and members may not form another union for at least three years. There were no reports that the government dissolved any unions during the year.

The law prohibits antiunion discrimination by employers and others against union organizers and members and provides penalties for violations; however, the government did not effectively enforce the law in many cases. There were credible reports of employer retribution against union organizers, including dismissals and violence that were not prevented effectively or remedied in practice. Some employers warned employees against contact with union organizers. Some unions claimed that strike leaders were singled out for layoffs when companies downsized. Legal requirements existed for employers to reinstate workers fired for union activity, although in many cases the government did not enforce this effectively.

According to the ITUC, legal procedures were very long, with antiunion discrimination cases sometimes taking up to six years. Bribery and judicial corruption have been a problem for workers involved in disputes, and decisions often were not in their favor. While dismissed workers may be financially recompensed, they were rarely reinstated.

In August 2006 Amnesty International called on the government to release six imprisoned trade union leaders, who were arrested following a strike and demonstration at a palm oil plantation in Riau Province in 2004. Two of the men were released in May. The other four had been released earlier.

Companies sometimes transferred union leaders to jobs where they cannot continue their union activities. In September 2006 the state-owned workers' insurance company, PT JAMSOSTEK, demoted two JAMSOSTEK union leaders and transferred 12 others in connection with a union vote of no confidence in company management. All the affected workers sued the company seeking reinstatement to their former positions. In September the company transferred the two leaders to branch offices and allegedly took punitive actions against eight other union activists.

In May, as part of a dispute between the management of a European-owned hotel and union workers, management ceased transfer of union dues and dismissed 26 union members including union officers. Union officials were barred from attending union meetings on hotel premises.

#### b. The Right to Organize and Bargain Collectively

According to the manpower ministry, approximately 25 percent of companies with more than ten employees have collective bargaining agreements. However, in reality these agreements rarely went beyond the legal minimum provisions set by the government and often resulted from employers unilaterally drawing up agreements and presenting them to workers' representatives for signature rather than negotiation. The law allows unions to conduct their activities without interference; however, the government often did not protect this right in practice. The law provides for collective bargaining and allows workers' organizations that register with the government to conclude legally binding collective labor agreements (CLAs) with employers and to exercise other trade union functions. The law includes some restrictions on collective bargaining, including a requirement that a union or unions represent more than 50 percent of the company workforce to negotiate a CLA.

The Manpower Development and Protection Act (Manpower Act), which regulates collective bargaining, the right to strike, and general employment conditions does not apply to SOEs. Some unions claimed that the law contains inadequate severance benefits and protection against arbitrary terminations and does not sufficiently restrict outsourcing and child labor. The government continued to issue implementing decrees for the Manpower Act.

Company regulations, allowed for under government regulations, substituted for CLAs in the vast majority of enterprises, many of which did not have union representation. The Manpower Act requires that employers and workers form joint employer/worker committees in companies with 50 or more workers, a measure to institutionalize communication and

consensus building.

Under the Manpower Act, workers must give written notification to the authorities and to the employer seven days in advance for a strike to be legal, specifying the starting and ending time of the strike, venue for the action, reasons for the strike, and including signatures of the chairperson and secretary of the striking union. A ministerial regulation declares illegal all strikes at "enterprises that cater to the interests of the general public or at enterprises whose activities would endanger the safety of human life if discontinued...." What types of enterprises are included in this classification is not specified, leaving it to the government's discretion. The same regulation also classifies strikes as illegal if they are "not as a result of failed negotiations" and gives employers leeway to obstruct a union's move to strike because failure is classified as negotiations that lead to a deadlock "that is declared by both sides."

Before workers can proceed with a strike, they must also engage in lengthy mediation with the employer, beginning with bargaining and, if that fails, proceed to mediation facilitated by a government mediator. The ministerial regulation also provides that in the case of an illegal strike, an entrepreneur must make two written appeals within a period of seven days for workers to return. Workers who do not respond to those appeals are considered to have resigned. Such appeals were commonly used by employers as intimidation tactics against strikers.

In practice strikes were prohibited in the public sector, in essential services, and at enterprises that serve the public interest. The ITUC noted that this clearly goes beyond the definition of acceptable prohibitions on strike action by the ILO Committee on Freedom of Association, which has held that strikes may only be restricted where there exists "a clear and imminent threat to the life, personal safety, or health of the whole or part of the population". The prolonged, legally mandated mediation procedures that must be followed before calling a strike were not enforced. As a result strikes tended to be unsanctioned "wildcat" strikes that broke out after a failure to settle long-term grievances or when an employer refused to recognize a union.

The underpayment or nonpayment of legally required severance packages precipitated strikes and labor protests. The international labor rights organization Solidarity Center documented cases in which foreign employers in the garment and footwear industry, faced with falling orders and plant closures, fled the country to avoid making legally required severance payments.

According to the Indonesian Prosperity Trade Union, relations between government, employers, and workers were still tense. Employers terminated workers trying to set up trade unions or demoted union leaders and members. Some unions claimed that strike leaders were singled out for lay-offs when companies downsized their workforce.

Labor activists charged that managers in some locations employed thugs to intimidate and assault trade union members who attempted to organize legal strike actions, and, at times, the police intervened inappropriately and with force in labor matters, usually to protect employers' interests.

On May 1, Sarta bin Sarim joined a labor march as it passed his workplace in Tangerang, West Java, where he was chairman of the local union. The demonstration was reportedly peaceful and without incident, but later that night, police arrested Sarta, along with 10 nonunion marchers from another workplace. Sarta alleged that while in custody with a guard a few feet away another prisoner beat him, and that later police threatened him with physical harm to coerce him to sign a false interrogation report. He served three months in prison in Tangerang for committing "unpleasant acts" and was released on July 31. When Sarta appealed his conviction to a higher court the prosecutor called Sarta's union and, union officials alleged, threatened to prosecute him again if he appealed.

Unions have been directly affected by the increasing trend of using contract labor. Under the Manpower Act, contract labor is supposed to be used only for work that is "temporary in nature." However, according to ITUC, many employers violated these provisions with the connivance of local offices of the manpower ministry. Typically, companies declared bankruptcy in order to avoid severance payments provided for under law, closed the factory for several days, and then rehired workers as contract labor at a lower cost. Union leaders and activists usually were not rehired.

There are no special laws or exemptions from regular labor laws in special economic zones (SEZs). However, nongovernmental observers, including the Solidarity Center, described stronger antiunion sentiment and actions by employers in SEZs. For example, employers in manufacturing enterprises in the Batam SEZ tended to hire labor on two-year contracts and favored workers under 24 years of age. Both practices inhibited union formation.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor or compulsory labor, including by children; however, there were reports that such practices occurred, including forced and compulsory labor by children.

The government tolerated forms of compulsory labor practiced in the migrant worker recruitment process. The unscrupulous practices of migrant worker recruiting agencies, and poor enforcement of government regulations, often led

to debt bondage and extended unlawful confinement. According to press reports and research by Solidarity Center, recruiting agencies frequently kept migrant workers in holding centers, for as long as 14 months in some cases, before sending them abroad. While in the holding centers, migrant workers normally did not receive pay, and recruiters often did not allow them to leave the centers. In most instances workers were forced to pay recruiters for the cost of their forced stay, which resulted in large debts to the recruiters. The manpower ministry took limited measures to enforce labor laws that prevent employment agencies from trafficking workers through debt bondage. In 2006 police and manpower ministry officials conducted raids on 32 licensed and six illegal migrant worker holding centers in Jakarta, targeting those that forcibly held prospective workers, both adults and children, some in inhumane conditions. The raids resulted in the release of 3,438 prospective workers, and the arrests of eight suspects. The manpower ministry was unable to provide information on the disposition of 20 arrest cases arising from the raids conducted in 2004 and 2005.

During the year the government made a halting effort to renegotiate a 2006 MOU with the government of Malaysia about Indonesian workers' conditions in Malaysia. The MOU ceded some basic worker rights to employers, particularly the right of workers to hold their own passports. The government quickly abandoned the renegotiation effort.

Girls and women employed as household servants often were held in debt bondage.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children from working in hazardous sectors and the worst forms of child labor. However, the government did not enforce these laws effectively. Law, regulations, and practice acknowledged that some children must work to supplement family incomes. The Manpower Act prohibits the employment of children, defined as persons under 18, except for those 13 to 15 years of age, who may work no more than three hours per day and only under a number of other conditions, such as parental consent, no work during school hours, and payment of legal wages. The law does not appear to address exceptions for children ages 16 to 17.

A strong legal framework and National Action Plans address economic and sexual exploitation, including child prostitution, child trafficking, and the involvement of children in the narcotics trade, and provide severe criminal penalties and jail terms for persons who violate children's rights. Implementation remained a problem.

Child labor remained a serious problem. An estimated six to eight million children exceeded the legal three-hour daily work limit, working in agriculture, street vending, mining, construction, prostitution, and other areas. More children worked in the informal than the formal sector. Some children worked in large factories, but their numbers were unknown, largely because documents verifying age could be falsified easily. Children worked in industries such as rattan and wood furniture, garment, footwear, food processing, and toy making, and also in small-scale mining operations. Many girls between 14 and 16 years of age worked as live-in domestic servants. The ILO estimated that there were 2.6 million domestic workers in the country, of whom at least 688,000 were children. According to a 2005 Human Rights Watch report, children between 12 and 15 years of age worked 14 to 18 hours per day, seven days a week from 4 a.m. to 10 p.m. for employers who often subjected them to physical and sexual threats. Many child servants were not allowed to study and were forced to work long hours, received low pay, and generally were unaware of their rights.

The law and regulations prohibit bonded labor by children; however, the government was not effective in eliminating forced child labor, which remained a serious problem. A significant number of children worked against their will in prostitution, pornography, begging, drug trafficking, domestic service, and other exploitive situations, including a small number on fishing platforms.

Social and cultural resistance remained a challenge in addressing child labor. Many parents disagreed with government efforts to restrict children from working, arguing that the government offered inadequate economic support to guarantee these families' welfare.

Enforcement of child labor laws remained largely ineffective. Despite legislative and regulatory measures, most children who worked, including as domestics, did so in unregulated environments. Anecdotal evidence suggested that local labor officials carried out few child labor investigations.

#### e. Acceptable Conditions of Work

Provincial and district authorities, not the central government, establish minimum wages, which vary by province, district, and sector. Provincial authorities determined provincial minimum wage levels based on proposals by tripartite (workers, employers, and government) provincial wage commissions. The provincial minimum wage rates establish a floor for minimum wages within the province. Local districts set district minimum wages using the provincial levels as references. Districts also set minimum wages in some industrial sectors on an ad hoc basis. Provinces and districts conducted annual minimum wage rate negotiations, which often produced controversy and protests.

The minimum wage levels set by most local governments did not provide a worker and family with a decent standard of

living. Most province-level minimum wage rates fell below the government's own calculation of basic minimum needs. During the year Aceh offered the highest minimum wage (approximately \$105 (1 million rupiah) per month), while the manpower ministry reported official minimum wages as low as \$43 (390 thousand rupiah) per month in one area.

Local manpower officials were responsible for enforcing minimum wage regulations. Enforcement remained inadequate, particularly at smaller companies and in the informal sector. In practice official minimum wage levels applied only in the formal sector, which accounted for 35 percent of the workforce.

Labor law and ministerial regulations provide workers with a variety of benefits. Persons who worked at more modern facilities often received health benefits, meal privileges, and transportation. The law also requires employers to register workers with and pay contributions to the state-owned insurance agency JAMSOSTEK.

The law establishes a 40-hour workweek, with one 30-minute rest period for every four hours of work. Companies often required a five-and-a-half- or six-day workweek. The law also requires at least one day of rest weekly. The daily overtime rate was 1.5 times the normal hourly rate for the first hour and twice the hourly rate for additional overtime, with a maximum of three hours of overtime per day and no more than 14 hours per week. Workers in industries that produced retail goods for export frequently worked overtime to meet contract quotas. Unions complained that companies relied upon excessive overtime in some garment and electronics assembly plants, to the detriment of workers' health and safety. Observance of laws regulating benefits and labor standards varied by sectors and regions. Employer violations of legal requirements were fairly common, sometimes resulting in strikes and protests. The Solidarity Center reported that workers in the garment industry worked extremely long hours but because their pay slips did not specify the amount of overtime paid, workers could not be certain they were fully compensated for overtime. The Manpower Ministry continued to urge employers to comply with the law; however, government enforcement and supervision of labor standards were weak.

Both law and regulations provide for minimum standards of industrial health and safety. In practice the country's worker safety record was poor. JAMSOSTEK reported 37,845 accidents in the first three months of the year, compared with 99,624 for the whole of 2006. Local officials have responsibility for enforcing health and safety standards.

In larger companies, the quality of occupational health and safety programs varied greatly. Health and safety standards in smaller companies and in the informal sector tended to be weaker or nonexistent. Workers are obligated to report hazardous working conditions, and employers are forbidden by law from retaliating against those who do report hazardous working conditions; however, the law was not enforced effectively.



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