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2009 Human Rights Report: Indonesia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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Indonesia is a multiparty democracy with a population of approximately 245 million. On July 8, Susilo Bambang Yudhoyono was reelected president in generally free and fair elections. April 9 legislative elections were complex, but domestic and international observers judged them generally free and fair as well. 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 and upheld civil liberties. Nonetheless, there were problems during the year in the following areas: killings by security forces; vigilantism; harsh prison conditions; impunity for prison authorities and some other officials; corruption in the judicial system; limitations on free speech; societal abuse and discrimination against religious groups and interference with freedom of religion, sometimes with the complicity of local officials; violence and sexual abuse against women and children; trafficking in persons; child labor; and failure to enforce labor standards and worker rights.

During the year the country continued to make progress in strengthening and consolidating its democracy. For example, the Indonesian National Police adopted a use of force policy that strictly proscribes the use of deadly force and allows it to track and minimize the use of force by police. The government also continued the prosecutions of high-level officials for corruption.

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, security force personnel committed a number of killings in the course of apprehending alleged criminals and terrorists.

On April 2, the North Jakarta police allegedly beat and shot Bayu Putra Perdana while he was in custody. According to a hospital autopsy, Bayu died as a result of torture.

The police continued vigorous action against accused terrorists. On August 7-8, the following members of the terrorist Jemaah Islamiya (JI) were killed in the course of raids on terrorist safe houses: Ibrohim, Air Setyawan, and Eko Joko. On September 16-17, in an exchange of gunfire, police killed the following additional JI members: Noordin M. Top, Hadi Susilo, Bagus Budi Pranoto, and Ario Sudarso.

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Violence affected the provinces of Papua and West Papua during the year. For example, on the legislative election day, April 9, a group armed with traditional weapons attacked a police station in Bepura, police killed one of the attackers; in a separate incident, police in Nabire reportedly arrested protestor Abet Nego Keiya and allegedly punched, kicked, and beat him with rifle butts and stabbed him with bayonets until he died. On June 6, police killed two persons while recapturing an airstrip in Memberamo Raya District; a local official was also killed and four police were seriously injured. On June 24, police shot and killed Melkias Agape in the city of Nabire. On June 30, Police Mobile Brigade (BRIMOB) officers shot and killed Mika Boma and injured another four persons during a clash with rioters in Paniai. On August 3, members of the BRIMOB allegedly shot and killed tribal leader and former political prisoner Yawan Wayeni at his house in Mantembu village, Yapen Island, Papua. On December 16, the well-known separatist leader Kelly Kwalik died following a reported exchange of gunfire with police. Kwalik was armed and reportedly resisted arrest. His body was turned over to his family for burial. At year's end there was no publicly available information regarding a police investigation.

The Papuan separatist organization, Organisasi Papua Merdeka (OPM), was also implicated in a number of killings during the year. On March 15, OPM members killed a soldier in Puncak Jaya District; the same group was also accused of killing two civilians. On April 15, OPM members killed a police officer in Puncak Jaya.

In addition to killings by security forces and OPM, there were a number of violent incidents, including some killings by unknown parties in Papua and West Papua. Some of the incidents occurred in the vicinity of a giant gold and copper mine.

Other notable killings by police or unknown parties during the year occurred in Aceh Province. According to nongovernmental organizations (NGOs), on February 2, the Pidie police allegedly killed former Aceh Independence Movement (GAM) combatant Fauzi Bin Syarifuddin. On February 3-4, two members of the Aceh Transition Committee (the successor organization to GAM) were shot and killed in separate incidents. On July 9, police in Krueng Raya allegedly tortured and killed Susanto, an alleged thief, while in custody. There were a number of nonlethal incidents in the preelection period in Aceh as well. Police arrested 37 individuals in connection with violent acts leading up to the elections. At year's end trials of persons accused of some of these violent acts were underway in courts in North Sumatra and Jakarta.

During the year the Ambon Military Court convicted and sentenced 87 TNI personnel to prison for their involvement in the February 2008 attack on Masohi Police Station in Masohi City, Central Maluku. Prison sentences ranged from five to 12 months.

In December 2008 the Bojonegoro District Court convicted and sentenced the former head of forestry management unit in Bojonegoro District, Supriyanto, to three years in prison for the April 2008 killing of two farmers.

In December 2008 the South Jakarta District Court acquitted retired army general Muchdi Purwoprandjono on charges of planning the 2004 murder of human rights activist Munir Said Thalib. On July 10, the Supreme Court upheld the acquittal and remanded the case to the district court. The Attorney General's Office (AGO) said that it intended to file a motion requesting the Supreme Court to "review" the ruling. Under the law, the AGO must present new evidence or identify

judicial inconsistencies in the original ruling for the review to be granted.

On January 1, an appeals court overturned a lower court acquittal of Rohainal Aini as an accomplice in Munir's murder and sentenced her to one year in prison.

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.

In April 2008 the National Human Rights Commission (Komnas HAM) resubmitted its 2006 report on the 1998 abductions of prodemocracy activists to the AGO. 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. The AGO took no action, stating that it could not prosecute unless the House of Representatives (DPR) declared these crimes gross human rights violations and recommended the creation of an ad hoc human rights court. On September 28, the DPR approved the formation of an ad hoc court to pursue investigations and possible prosecutions of the disappearances.

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

The constitution states that every person shall have the right to be free from torture, 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. In 2007 the UN special rapporteur on torture reported evidence of torture in many police detention facilities in Java. The special rapporteur reported that 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 October 24, approximately 12 Jakarta police officers detained and allegedly beat Riko, a transgender person, as a suspect in a burglary. At year's end an internal police investigation continued.

On November 11, Depok police officers raided a house and arrested several individuals for allegedly gambling. During the raid officers shot and killed Subagyo when he attempted to flee. On November 14, an internal police investigation found that 10 officers used excessive force during the raid and sentenced them to between two and three weeks in prison and transferred them to other posts.

On December 5, four Depok police officers detained J.J. Rizal for possible drug use. Rizal was abused by the officers and suffered a cut lip, two contusions on his head, a bruised jaw, and ringing in the ears. At year's end an internal investigation found the officers used excessive force during the arrest and sentenced them to 14 to 21 days' detention and demotion.

Komnas HAM said during the year there were 180 registered complaints of human rights violations against the National Police (INP). The nongovernmental organization (NGO) Jakarta Legal Aid Institute (LBH Jakarta) reported receiving 1,061

complaints of violations of civil and political rights against the INP.

A January/February 2008 survey by LBH Jakarta of 412 respondents in various detention places found that acts of torture and other ill-treatment were common. Of the respondents who were interrogated at police stations, 367 alleged abuse during the arrest and interrogation process.

On April 6, police clashed with several thousand proindependence supporters in Nabire, Papua, and shot and injured nine persons. Police also arrested and charged Monika Zonggonau for treason after she allegedly displayed an outlawed separatist symbol. Monika suffered head injuries when police allegedly beat her with a rifle butt during her arrest and detention.

On April 14, police officers from the Tegal and Slawi police stations in Central Java arrested and allegedly tortured Carmadi, a local resident. Two days later Carmadi died as a result of his injuries. According to NGOs, the police fabricated an autopsy report clearing them of Carmadi's death. At year's end there was no information about an investigation of the Tegal and Slawi police.

On April 29, police in Cirebon, West Java, arrested Zainal Muhammad Latif for alleged drug trafficking. While he was in custody, 10 police officers allegedly blindfolded, gagged, and beat Zainal.

On July 23, police officers from the Wamena airport security unit arrested and allegedly tortured Kiten Tabuni. Tabuni was hospitalized for his injuries. By year's end no known investigation of the police had been carried out.

In May 2008 Masu'udi, the chief warrant officer of Malang Military subdistrict command, tortured Mujib, a local civilian. Mujid subsequently died from his injuries. Masu'udi was sentenced to 10 months in prison.

According to the most recent statistics available, 36 persons were publicly caned in Aceh under the local Shari'a (Islamic law) for gambling. There were no reported cases of caning for alcohol consumption or being alone with persons of the opposite sex.

On February 3, a crowd of approximately 2,000 protesters demonstrated in front of the North Sumatra Provincial Parliament, and some forced their way into the building. They manhandled the parliament's speaker, Abdul Aziz Angkat, and forced him to confront the crowd. Angkat fainted and later that afternoon was pronounced dead. During the year 69 persons were tried in connection with the incident and were sentenced to between one and 10 years in prison.

On November 6, unknown assailants in Aceh shot and wounded a German Red Cross official in a clearly marked Red Cross vehicle. No arrests had been made by year's end.

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. Thefts or perceived thefts triggered many such incidents.

Prison and Detention Center Conditions

Conditions at the country's 642 prisons and detention centers were harsh. Overcrowding was widespread. In Jakarta, occupancy frequently was two or three times more than recommended capacity. According to the government, the Pondok Bambu Detention Facility in Jakarta, designed for 500 prisoners, held 1,172 prisoners. The facility has two types of cells,

small and large. A small cell is approximately nine square yards and designed for one to two prisoners. According to NGOs, three to five prisoners were assigned to small cells. Authorities routinely assigned 20 to 30 prisoners to large cells designed to hold a maximum of 10 prisoners.

According to The International Centre for Prison Studies, prison capacity was designed for 76,550 inmates; however, there were more than 140,000 prisoners, including approximately 2,500 juveniles and 11,000 women. There are six women-only prisons in the country, including five in Java and one in North Sumatra.

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. Officials held unruly detainees in solitary confinement for up to six days on a rice-and-water diet. According to government figures, 778 prisoners died during the year, compared with 750 in 2008. Prison officials reported that 9,000 rupiah/day (\$0.90/day) is allocated for a prisoner's food and health care.

By law children convicted of serious crimes should serve their sentences in juvenile prisons. However, according to a 2007 statement by the UN special rapporteur on torture, children were incarcerated with adults in both pretrial detention centers and in prisons. By law 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.

Since March the International Committee of the Red Cross (ICRC) was denied access to monitor prison conditions and treatment of prisoners. In addition the government requested the ICRC to close field offices in Aceh and Papua provinces. The government stated ICRC services were no longer required within the country.

On November 26, detained Papuan activist Buchtar Tabuni was beaten at Abepura Class II Penitentiary sparking riots involving protesters both inside and outside the prison the next day. The authorities implicated and detained three TNI personnel and a police officer for allegedly beating Buchtar.

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 confirmation by the DPR. The police chief reports to the president but is not a full member of the cabinet. The INP has 327,526 personnel deployed in 31 regional commands in 33 provinces. The police maintain a centralized hierarchy; local police units formally report to the national headquarters. The military is responsible for external defense but also has a residual obligation to support the police with its domestic security responsibilities. In Aceh the Shari'a police, a provincial body, is responsible for enforcing Shari'a.

The Internal Affairs Division and the National Police Commission within the INP investigate complaints against individual police officers. Additionally, Komnas HAM and NGOs conducted external investigations, with the knowledge and cooperation of the police. During the year, 6,546 officers were charged with criminal and disciplinary infractions.

On January 30, the Ministry of Law and Human Rights approved the Use of Force Police Action Policy, which among other things requires that whenever force is used or whenever a citizen or police officer is injured as a result of use of force a Use of Force Resistance Control Form must be completed.

During the year Komnas HAM received 1,302 complaints of human rights abuses by the police. Of these, 891 were related to torture and abuse allegedly committed during interrogations.

On June 25, the INP implemented regulations that standardized human rights regulations in the normal course of police duties. However, impunity and corruption remained problems in some provinces. Police commonly extracted bribes ranging from minor payoffs in traffic cases to large bribes in criminal investigations.

Arrest Procedures and Treatment While in 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. Additionally, the court may extend detention periods up to another 60 days at each level if a defendant faces a possible prison sentence of nine years or longer or if the individual is certified to be mentally disturbed. 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 2007 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.

By law suspects or defendants have the right to the legal counsel of their choice at every stage of an investigation. Court officials will provide free legal counsel to persons charged with offenses that carry a death penalty or imprisonment of 15 years or more, or to destitute defendants facing charges that carry a penalty of five years or more. Suspects have the right to bail and to be notified of the charges against them.

e. Denial of Fair Public Trial

The law provides for judicial independence; however, in practice the judiciary remained susceptible to influence from outside parties, including business interests, politicians, and the security forces. 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.

District, military, religious, and administrative courts fall under the jurisdiction and purview of the Supreme Court. 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. During the year the Constitutional Court found provisions of the election law to be unconstitutional.

Widespread corruption throughout the legal system continued. Bribes and extortion influenced prosecution, conviction, and sentencing in civil and criminal cases. In 2008 the National Ombudsman Commission reported receiving 166 complaints of judicial corruption involving judges, clerks, and lawyers. Key individuals in the justice system were accused of accepting bribes and 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. As a result of an independent fact-finding team's investigation, President Yudhoyono appointed a Task Force to Eradicate Judicial Mafias tasked with investigating the network of case brokers and influence peddlers who act as intermediaries in judicial cases.

During the year 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. Under the law military prosecutors are accountable to the Supreme Court; however, military prosecutors were responsible to the TNI for the application of laws.

A three-person panel of military judges heard trials, while the High Military Court, the Primary Military Court, and the Supreme Court heard appeals. Some civilians criticized the short length of prison sentences imposed by military courts.

NGO sources said that some military court proceedings all the way to the Supreme Court were not public; however, the trials of the marines charged in the 2007 Alastlogo killings were public.

Four district courts located in Surabaya, Makassar, Jakarta, and Medan are authorized to adjudicate cases of gross human rights violations. At 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 appellate 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.

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, defendants had a right to legal aid, but this right was inconsistently implemented. Although Shari'a cases were supposed to be tried in closed hearings, during the year there were numerous problems with trial proceedings going forward in open court.

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. 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 imposing punishment. Both the defense and prosecution can appeal.

The law gives defendants the right to an attorney from the time of arrest and at every stage of examination and requires that 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. The law extends these rights to all citizens. In some cases procedural protections, including those against forced confessions, were inadequate to ensure a fair trial. With the noted exceptions of Shari'a and military trials, trials are public.

Political Prisoners and Detainees

During the year at least seven Papuan independence activists, including a 16-year-old boy, were in detention for raising a banned separatist flag. Filep Karma and Yusak Pakage remained in detention serving 15 and 10 years, respectively, for their role in such a flag raising.

On November 12, the Manokwari District Court convicted Roni Ruben Iba, Isak Iba, and Piter Iba for the January 1 raising of the banned separatist flag outside a government office.

During the year individuals in Maluku, including Johan Teterisa, serving a life sentence, were imprisoned for raising a banned separatist flag. They were charged with incitement of hatred and rebellion. During the year Republik Maluku Selatan (RMS) separatists were sentenced for flag raising (see section 2.a.).

According to the international NGO Human Rights Watch, there were more than 170 persons in prisons throughout the country for flag raising.

In 2007 the authorities arrested Papuan human rights activist Iwanggin Sabar Olif on suspicion of incitement of hatred and defamation. On January 29, the Jayapura District Court acquitted Olif of all charges.

Civil Judicial Procedures and Remedies

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

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."

On November 23, the minister of communications and information said that he wanted to regulate wiretapping by requiring that law enforcement agencies obtain prior approval from the courts and his ministry. Some observers criticized the statement as an attempt to weaken the Anticorruption Commission (KPK) (see section 4). At year's end discussions were underway between the administration and the DPR concerning establishment of a central consulting agency for all law enforcement agencies with authority over wiretapping.

Security officials occasionally broke into homes and offices. 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.

In some parts of the country, particularly in Kalimantan and Papua, 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 financially approximately 6,756 households moved in 2008 from overpopulated areas to isolated and less-developed areas in 21 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. A presidential decree on land acquisition for public use 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 security forces allegedly used excessive force while evicting individuals involved in land disputes. During the year evictions of squatters living on government land and of street vendors continued to decrease. The NGO Poor People's Alliance reported that approximately 8,050 persons were evicted from their homes or informal businesses during the year. According to city officials, the Jakarta administration carried out eight evictions during the year, forcing 7,814 persons out of their homes.

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. Politicians and powerful businessmen filed criminal or civil complaints against journalists whose articles they found insulting or offensive; some journalists faced threats of violence. Nonetheless, a vigorous, independent media operated in the country and expressed a wide variety of views generally without restriction. In 2007 the Constitutional Court annulled or ruled unconstitutional various provisions of the criminal code which provided special protections to the president, the vice president, and the government.

During the year there was a trend of persons accused of corruption and those involved in civil disputes filing criminal defamation complaints with police in an attempt to silence their critics.

On July 15, Kho Seng Seng and Winny Kwee were convicted of defamation and given six-month suspended sentences and one-year probation each. Both had submitted letters to editors of different newspapers complaining about a property developer. At year's end both cases were pending appeal.

On August 3, the Yogyakarta police named anticorruption activist Muhammad Dadang Iskandar a suspect for alleged defamation against members of the local legislature, Slamet and Arif Setiadi.

On September 8, the Jakarta police identified human rights activist Usman Hamid as a suspect for alleged defamation and slander against former State Intelligence Agency deputy chief Muchdi Purwopranjono.

On October 12, Illian Deta Arta Sari and Emerson Yuntho, staff members of the NGO Indonesia Corruption Watch, were identified as suspects in a criminal defamation case for campaigning against the criminal investigation of the deputy chairmen of the KPK (see section 4).

On December 24, the Jakarta police identified actress Luna Maya as a suspect for alleged defamation against journalists based on comments she had posted on her Twitter account.

Based on recent statistics the authorities arrested at least 30 persons for raising separatist flags in Papua. Although the Papua Special Autonomy Law permits flying a flag symbolizing Papua's cultural identity, a government regulation prohibits the display of the Morning Star flag in Papua, the RMS flag in Maluku, and the Crescent Moon flag in Aceh.

On March 23, Bruce Nahumury was sentenced to four years in prison for his role in the display of the banned RMS flag during a dance welcoming President Yudhoyono in 2007.

On April 6, police arrested 15 members of West Papua National Committee (KNPB) in Nabire, Papua, for a demonstration and charged them with treason. On September 14, a judge acquitted the members of the KNPB of all charges.

On April 6, Musa Tabuni, Serafin Diaz, and Yance Mote were arrested and charged with subversion and separatism following a KNPB Customary Council meeting in Jayapura. At year's end they were in detention awaiting trial.

The government continued to restrict foreign journalists, NGOs, and government officials 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. On November 15, two foreign journalists attempting to cover a demonstration by Greenpeace activists were detained by police in Riau Province and deported for lacking accreditation. The Immigration Police explained that the journalists were required to obtain news coverage permits from the Ministry of Communication and Information.

Although journalists faced violence and intimidation, the Alliance of Independence Journalists reported a decrease in violence against journalists, with 38 cases during the 12-month period beginning August 2008, compared with 60 cases in the previous 12 months. There were 22 cases of physical violence, including the murder of a *Radar Bali* journalist, Anak Agung Prabangsa, in February. Nine cases were criminal and civil lawsuits. As of August, 14 cases of defamation were pending in court.

On May 13, a bank security guard assaulted Carlos Pardede, a television journalist on his way to conduct an interview, resulting in serious injury. On August 8, a court convicted and sentenced the security guard to four months in prison.

Defamation and libel suits made investigative journalism potentially expensive. On April 16, the Supreme Court overturned its 2007 decision awarding former president Suharto one trillion rupiah (approximately \$100 million) in a libel suit against *Time*.

On July 15, the South Jakarta District Court rejected a libel suit filed by Islamic Troop (a militant Islamic protest group) commander, Munarman, against local newspaper *Koran Tempo*.

During the year, the government took no legal action against any persons responsible for crimes committed against journalists in 2008.

Internet Freedom

The Internet had considerable impact in urban areas, and social networking media, for example, was used to rally support for two government anticorruption officials (see section 4) as well as for a woman convicted of defamation. According to International Telecommunication Union statistics for 2008, approximately 8 percent of the country's inhabitants used the Internet.

In March 2008, the DPR passed the Information and Electronic Transaction (ITE) Law. The law, intended to combat online crime, pornography, gambling, blackmail, lies, threats, and racism, prohibits citizens from distributing in electronic format any information that is defamatory and punishes transgressors with a maximum of six years in prison or a fine of one billion rupiah (\$100,000) or both. The Information and Communication Ministry Web site offered free software to block Web sites with adult content.

On May 13, Prita Mulyasari was arrested and charged with defamation under the ITE law. She sent a personal e-mail complaining about poor services at a local hospital. The e-mail was widely circulated through Internet mailing lists and chat rooms, and the hospital filed a complaint with the police. On June 25, a district court threw out the defamation charge in a preliminary hearing, but the Banten High Court overturned the ruling and ordered a retrial. Mulyasari was found guilty in the retrial and ordered to pay 204 million rupiah (approximately \$21,600). She received widespread financial support to pay her fines and legal expenses, including from senior political figures. On December 29, the Tangerang District Court ruled that her e-mail did not constitute defamation and acquitted her on all charges.

Internet cafes are required to provide the identities of Internet users to a government agency on a monthly basis.

Academic Freedom and Cultural Events

Following the arrest of two State Islamic University students for involvement in terrorist networks and hiding two suspected terrorists, the university's rector announced a decision to change the curriculum to improve students understanding of Islam.

In October 2008, the DPR passed an antipornography bill. Critics considered its definition of pornography too broad and feared that it could be used to justify attacks on artistic, religious, and cultural freedom. The bill includes provisions that allow citizens to "supervise" adherence to the law. During the year one group of traditional "jaipong" dancers in West Java were told to cover up their costumes and cut down on their gyrations so as not to violate the law. On December 31, Bandung police arrested four female nightclub performers. In February the Constitutional Court began consideration of a complaint that the law violates freedom of religion and expression tenets of the constitution.

During the year the government-supervised Film Censorship Institute (LSF) continued to censor domestic and imported movies for content deemed pornographic or religiously offensive. On December 1, the LSF banned the Australian movie *Balibo*. The movie depicts the killing of five journalists in East Timor by Indonesian soldiers. The TNI has consistently maintained that the journalists were killed in a cross fire with East Timor guerrilla fighters.

The AGO has the authority to monitor written materials. During the year, the AGO banned five books: *The September 30 Movement and Soeharto Coup de'tat* by Jhon Roosa; *Six Ways to Reach God* by Darmawan M.M.; *Resolving the Mystery of Religious Diversity* by Syahrudin Ahmad; *The Voice of Churches for Suppressed People, Blood and God's Tears in West Papua* by Cocrateze Sofyan Yoman; and *Lekra Never Burns Books* by Roma Yuliantri and Muhidin Dahlan.

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.

During the year police arrested participants in peaceful demonstrations that included the display of illegal separatist symbols (see section 2.a.).

In general the INP exercised discipline and handled demonstrations responsibly. However, in Papua and West Papua, demonstrators complained of police overreaction and undue use of force; police said that demonstrators initiated the violence by throwing rocks and employing traditional weapons such as arrows and spears. Examples include an April 5 rally in Nabire calling for a boycott of the national elections during which seven civilians and five police were injured; on April 6, in Nabire police shot nine persons, and one police officer was shot with an arrow. At year's end there were a number of peaceful, anticorruption rallies throughout the country.

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 Indonesia Communist Party (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.

Members of Ahmaddiya have not held any national conferences since April 2008, when the Bali police refused to issue them a permit (see section 2.c.).

c. Freedom of Religion

The constitution provides "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. Unrecognized groups may register with the Ministry of Culture and Tourism as social organizations. By law they have the right to establish house(s) of worship, obtain identity cards, and

register marriages and births; in practice they faced administrative difficulties in doing so. In June 2008 the government issued a decree prohibiting the Ahmaddiya from proselytizing and from practices deemed "deviant" from mainstream Islam.

On September 29, the police in Garut, West Java, took members of the Daifillah sect into custody after local residents accused the group of blasphemy. At year's end the investigation continued, and the police had not filed formal charges against Daifillah members.

On September 29, the Bandung State Administrative Court overturned the Depok mayor's decision to revoke the Huria Batak Kristen Protestan church building permit. The mayor revoked the permit following complaints by the local Muslim community. The renovations continued at year's end.

Persons whose religion was not one of the six officially recognized faiths had difficulty obtaining an identity card, which was necessary to register marriages, births, and divorces. Men and women of different religions experienced difficulties in marrying and 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.

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, despite official recognition of their religion, Hindus, particularly in North Lampung, Southeast Sulawesi, Kalimantan, and some areas in East Java, sometimes had to travel greater distances to register marriages or births because local officials would not perform the registration.

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.

On August 21, the INP announced that police officers would monitor sermons delivered in mosques.

Under the terms of the 2005 Aceh peace agreement, Aceh is the only province in Indonesia formally permitted to implement aspects of Shari'a. The provincial government enacted "qanun," regulations governing relations between members of the opposite sex, alcohol consumption, and gambling. On September 14, the outgoing provincial parliament enacted qanun, which prescribed stoning to death for adultery and steep prison terms and public caning for homosexual acts, rape, and pedophilia. Critics both inside and outside Aceh criticized the new qanun as unconstitutional, and more secularly minded parties dominated the incoming provincial parliament.

In October the West Aceh regent announced a local regulation barring Muslim women from wearing pants. Although the law was not to go into effect until 2010, local Islamic police and other officials began enforcing it by stopping women wearing pants while on motorcycles and issuing warnings. Officials refused to serve women wearing pants at government offices, including medical facilities. Non-Muslim women reported that they also were refused medical and other services.

Many local governments maintained laws with elements of Shari'a that abrogated the rights of women and religious minorities. In many cases these laws require Muslim women to wear headscarves in public; mandate elected Muslim officials, students, civil servants, and individuals seeking marriage licenses to be able to read the Koran in Arabic; and prohibit Muslims from drinking alcohol and gambling. Some of these laws were attempts to deal with local social problems, and in many cases the laws were not enforced. Although the central government holds authority over religious matters, it failed to overturn any local laws that restricted rights guaranteed in the constitution.

Societal Abuses and Discrimination

On November 9, the Arastamar Evangelical School of Theology, also known as Setia College, reached a settlement with the Jakarta governor's office regarding a new campus. The school was attacked in July 2008 by residents of Kampung Pulo District, West Jakarta. At year's end the students continued to live and take classes in three different locations in the city, often in poor conditions.

On December 17, the first day of the Islamic New Year, a mob attacked and damaged Saint Albert's Church in Bekasi Regency.

The Jewish population was approximately 15,000. On January 7, an estimated 100 activists from a Muslim organization in East Java held a protest in front of a Surabaya synagogue to demonstrate support for Palestinians. Some protesters reportedly carried signs with anti-Semitic references. Police prevented the protesters from entering the synagogue. There were no injuries or damage. In the context of the continuing Israel/Palestine conflict, articles in the media and public statements by community leaders often criticized Israeli policy using anti-Semitic rhetoric demeaning to Jewish persons and Judaism. Although the government promoted tolerance education in primary schools, there was no specific curriculum devoted exclusively to anti-Semitism education.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/.

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. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Citizens enjoyed freedom of movement within the country and, with few exceptions, were 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.

The government prevented at least 698 persons from leaving and 1,266 from entering the country in 2007. The immigration office prevented these departures at the request of the police, the AGO, the 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.

During the year approximately 300 Papuans who had been sheltering in Papua New Guinea for many years voluntarily

returned to West Papua Province.

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 70,000 and 120,000 IDPs in the country. According to the Aceh Recovery Body, only 1,500 IDPs remained in Aceh. According to International Organization for Migration (IOM), the number of IDPs in West Sumatra as a result of the October 30 earthquake was 4,000, spread throughout the province. A mud flow in 2008 in Porong, East Java, left 2,500 persons in camps. Approximately 2,000 IDPs who had been staying in the Porong Market Camp left the camp after receiving compensation payment. On September 18, the East Java governor officially handed over new houses to them. Due to preelection tensions in Aceh, tens of thousands of Javanese transmigrants fled and were displaced to neighboring North Sumatra Province. In all incidents the government allowed IDP access to domestic and international humanitarian organizations and permitted them to accept assistance provided by these groups. The government did not attack or target IDPs or forcibly return or resettle IDPs under dangerous conditions.

Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the national 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. In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. There were varying estimates of the number of refugees and asylum seekers in the country. Through the end of September, the UNHCR recognized 529 refugees and 1,593 asylum seekers. The IOM estimated 1,014 refugees or asylum seekers. The government reported 1,642 refugees or asylum seekers. Some were applicants, and others were dependents. Most were from Sri Lanka, Iraq, Afghanistan, or Burma.

The government prohibited refugees from working and from access to public elementary education.

The above figures did not include 10,436 former refugees from East Timor who resided in East Nusa Tenggara (NTT) at the end of the year, according to the Center for Internally Displaced Peoples Service in West Timor. According to NGOs, there were approximately 20,000 ex-East Timorese refugees resettled in NTT, and 5,000 were still in temporary shelters.

In January and February, nearly 400 Rohingya and Bangladeshi landed in the country. The government initially threatened to deport them as economic migrants and, until April, blocked UNHCR officials' access to the migrants. At year's end the migrants were confined in squalid makeshift camps in Aceh Province and were not allowed freedom of movement.

The 119 Bangladeshi migrants do not qualify for UNHCR protection. The government was working with the Embassy of Bangladesh to repatriate them.

On May 14, 55 Sri Lankan migrants drifted ashore in western Aceh Province. The government placed restrictions on their free movement.

During the year tensions at one overcrowded camp sheltering Rohingya and Bangladeshi migrants led to mistreatment of the migrants by humanitarian workers. Reportedly the migrants had been well treated since coming onshore in February, but on March 19, Indonesian Red Cross (PMI) staff beat three of the migrants. On July 12, 21 migrants tried to escape the camp but were recaptured by police. Back at camp, the PMI staff beat two of the would-be escapees. IOM staffers intervened to stop the beatings. That night, after the IOM staffers had left, the PMI staff beat all 21 of the would-be escapees, some severely. On June 15, after two migrants successfully escaped, PMI staff reportedly went from tent to tent and threw hot water on the men and assaulted most of the persons in each tent.

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 128 members of the House of Regional Representatives (DPD).

Elections and Political Participation

On July 8, President Yudhoyono was reelected overwhelmingly in generally free and fair elections.

On April 9, the country conducted its third democratic legislative elections. These were a massively complex affair with voters receiving ballots for the DPR, the DPD, provincial parliaments, and regency and city councils. Thirty-eight national parties competed in the elections, with an additional six parties in Aceh Province only. Irregularities occurred, requiring 245 reruns in 10 provinces. Observers concluded that the vast majority of irregularities involved logistical difficulties (primarily due to faulty voter-list data) rather than malfeasance. Some violence and intimidation also marred the legislative election campaign in Aceh, Papua, and West Papua. In general, however, domestic and foreign observers found the elections free and fair.

Parties were required to win a minimum of 2.5 percent of the national vote to qualify for a seat in the DPR. Nine parties met this threshold and won seats in parliament. There was a delay in final legislative seat allocations, because the Constitutional Court, the Supreme Court, and the National Election Commission had different allocation systems; the Constitutional Court's ruling prevailed. The top three vote getters were secular, nationalist parties, followed by the four largest Islamic-oriented parties. President Yudhoyono's Democrat Party won a plurality of seats, while then vice president Kalla's Golkar Party finished in second place. The major opposition party the Indonesia Democratic Party-Struggle, led by Megawati Sukarnoputri, finished in third place.

All adult citizens, age 17 or older, 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. A law on political parties mandated that women make up 30 percent of the founding members of a new political party. An election law, which included a nonbinding clause for parties to select women for at least 30 percent of the candidate slots on their party lists, ensured that parties put forward more women candidates. The Constitutional Court invalidated this clause when it struck down the law and ruled that

voters for the first time could directly elect their representatives, regardless of their position on party lists. Nonetheless, the number of women in parliament increased significantly, from 11 percent to 18 percent of the DPR seats in the April 9 elections. During the year women held five of 37 cabinet-level positions. At the provincial level, there was one female governor and one vice governor. Women held disproportionately few leadership positions in local government in some provinces; for example, in Aceh the highest position held by a woman was that of deputy mayor, in the city of Banda Aceh.

In 2007 the Constitutional Court ruled that independent candidates could run for local office and that a political party's nomination was not required. In September 2008 the first gubernatorial election that involved independent candidates was held in South Sumatra. Not all went smoothly with gubernatorial elections. The Constitutional Court ordered a rerun for several districts in the November 2008 East Java gubernatorial election when it found evidence of fraud. Allegations of fraud also plagued the January rerun. Both sets of candidates likely engaged in vote buying, but election officials determined that the level of fraud did not affect the outcome. The new governor was inaugurated in February.

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, and Chinese heritage.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. Despite the arrest and conviction of high profile and high-powered officials, there was a widespread domestic and international perception that corruption was a part of daily life. Both the KPK and the Attorney General's Office under the deputy attorney general for special crimes have jurisdiction over investigation and prosecution of corruption cases. During the year the KPK investigated 67 cases, up from 46 in 2008. As a result of the KPK's prevention and prosecutorial activities, it recovered a total of 142.3 billion rupiah (approximately \$15.5 million) in state assets. The deputy attorney general for special crimes reported investigating more than 1,500 cases and recovering approximately 4.8 trillion rupiah (approximately \$524 million).

Although members of parliament (MPs) were long considered to be untouchable by law enforcement, in 2008 and 2009, nine MPs, in separate cases, were either convicted by or had trials pending before the Anticorruption Court for violating corruption laws. Those convicted received sentences ranging from three to eight years in prison. Six other MPs or former MPs were under KPK investigation.

The KPK came under attack during the year when two deputy commissioners were accused of extortion and abuse of power. A strong public reaction supporting the KPK and the two deputies ensued, especially after a KPK wiretap seemed to reveal a conspiracy to frame them. Under mounting pressure from the public and the media, a senior police official and a deputy attorney general resigned their positions. The AGO later dropped charges against the deputies; however, civil society organizations suggested that this was part of a larger attempt to systematically weaken the powers of the KPK.

On September 29, the parliament passed the Anticorruption Court bill. The Anticorruption Court was established in tandem with the KPK, but in 2006 two alleged corruptors challenged the constitutionality of the court. The Constitutional Court agreed that the court as constituted was unconstitutional and gave the DPR three years to fix the problems. The DPR met the deadline, but the bill curbs the court's independence. The law requires corruption courts be established in all regencies

within two years. The head of the Supreme Court decides how many career and ad hoc judges sit on the panel for the corruption courts. Under the new law there is no mandate for transparency in the selection of justices.

In April 2008 the government passed the Freedom of Information Act, which acknowledges the right of citizens to access governmental information and provides mechanisms through which citizens can obtain such information. The law also provides for sanctions on public bodies if they do not comply. The authorities have not yet promulgated enforcement regulations. The Alliance of Independent Journalists reported no problems for the media in obtaining unclassified public documents from the government.

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

Domestic human rights organizations operated throughout the country and actively advocated for improvements to the government's human rights performance; however, the government subjected the organizations to monitoring, harassment, and interference.

The government met with local NGOs, responded to their inquiries, and took some actions in response to NGO concerns.

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.

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 2008 the AGO rejected Komnas HAM's recommendations to file charges in four incidents including Wamena-Wasior, Trisakti, Semanggi I and II, and forced disappearances.

On September 28, the DPR approved the formation of an ad hoc tribunal that could investigate and prosecute the disappearance of human rights activists. Twenty-four human rights activists and students disappeared between 1997 and 1998. Ten later resurfaced, accusing the military of kidnapping and torture. Thirteen activists remained missing, and one body was found. However, parliament failed to approve action regarding other cases of human rights violations that occurred before 2000.

Although the 2006 Law on the Government of Aceh states that a human rights court would be established in Aceh, it was not established by year's end.

In July 2008 the Commission on Truth and Friendship (CTF), established by the governments of Indonesia and Timor-Leste in 2005 to address human rights violations committed in Timor-Leste in 1999, delivered its final report to the two governments' presidents. The report recognized that gross violations of human rights occurred prior to and immediately

after the popular consultation in East Timor in 1999. The report's recommendations for Indonesia included a human rights training program with emphasis that the military remain neutral in political controversies and elections and enhanced authority for institutions charged with investigation and prosecutions for human rights violations. The government disseminated the CTF recommendations within the government, and a variety of ministries began carrying out the recommendations.

The Indonesian judicial processes either acquitted or eventually overturned all convictions of Indonesian defendants--two Indonesians of Timorese descent served some jail time for crimes in 1999--despite overwhelming evidence that Indonesian civilians and security forces committed gross human rights violations. An estimated 300 Indonesians indicted by Timor-Leste remained in Indonesia.

Section 6 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

Reliable nationwide statistics on the incidence of rape continued to be unavailable. The legal definition of rape is narrow and excludes marital rape. Light sentences continued to be a problem. Although rape is punishable by four to 14 years in prison, and the government imprisoned perpetrators for rape and attempted rape, most convicted rapists were sentenced to the minimum or less.

Between November 2008 and October, local NGOs in Central Java recorded 614 cases of violence against women in the province, including 210 rape cases.

The law prohibits domestic abuse and other forms of violence against women. However, domestic violence was a problem. Violence against women remained poorly documented by the government. Nationwide figures were unavailable. Komnas Perempuan, a semiautonomous government entity, reported that in 2008 there were 54,425 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. Komnas Perempuan reported that domestic violence was the most common form of violence against women, making up approximately 76 percent of total cases.

Social pressure forced many women not to report spousal abuse. During the year, the Women's Legal Aid Foundation received 1,058 complaints of spousal abuse, including rape and sexual harassment. 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 female and child victims of sexual assault and trafficking and where victims found temporary shelter.

According to NGOs, some female genital mutilation (FGM) of women over the age of 18 occurred. A Ministry of Health decree forbids medical personnel from performing such procedures; however, this did not affect traditional circumcisers and birth attendants, who did most female circumcisions.

The legal distinction between a woman and a girl was not clear. The law sets the minimum marriageable age at 16 for a woman (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 married before reaching the age of 16, particularly in rural areas.

Prostitution is interpreted as a "crime against decency/morality" and against the law. 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 by shielding brothels from prosecution. International sex tourism and child sex tourism reportedly continued, especially on the islands of Batam and Karimun and in major urban centers across the country.

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

The government recognizes the right of individuals and couples to choose the number, spacing, and timing of children. Although the government subsidized and provided access to contraception making it available throughout the country, women were sometimes denied the opportunity to select the contraceptive methods best suited to their needs or preferences. According to NGOs, 55 percent of married women used contraception. Informed sources believed that 79 percent of women had skilled birth attendants at delivery and 32 percent received prenatal or postnatal obstetric care. Government policy provides that women and men had equal access to diagnosis and treatment for sexually transmitted infections, including HIV.

The law states that women have the same rights, obligations, and opportunities as men; however, it 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.

Divorce is available to both men and women. Many divorcees received no alimony, since there was no system to enforce such payments. If there is no prenuptial agreement, joint property is divided equally. The law requires a divorced woman to wait 40 days before remarrying; a man can remarry immediately. The government continued to implement Shari'a in Aceh. The impact of this implementation varied across the province but, continuing the pattern of the last few years, in general appeared to be less intrusive 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 stop and lecture women whose dress did not conform to local Shari'a requirements 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. Vigilance in enforcing separation of sexes, fasting, and dress codes increased during Ramadan. Women faced discrimination in the workplace, both in hiring and in gaining fair compensation. According to a 2007 International Trade Union Confederation (ITUC) report, women on average earned 74 percent of what men earned, were overrepresented in unpaid and lower-paying positions in the informal sector, and held only 17 percent of managerial positions. According to the government, women constituted 43 percent of all civil servants but less than 7 percent of senior 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.

Jobs traditionally associated with women continued to be significantly undervalued and unregulated. For example,

domestic labor receives little legal protection. Under the labor law, domestic workers are not provided with a minimum wage, health insurance, freedom of association, an eight-hour work day, a weekly day of rest, vacation time, or safe work conditions. Consequently, as reported by NGOs, abusive treatment and discriminatory behaviour continued to be rampant.

According to International Labor Organization (ILO) reports, women's hourly wages as a percentage of men's wages increased from 78 percent in 2004 to 83 percent in 2008. Women in administrative and managerial jobs reportedly earned more than their male counterparts in 2008. However, women were still underrepresented at the managerial level.

Children

Citizenship is acquired primarily through one's parents; however, it can be acquired through birth in national territory. Although the law provides for free birth registration, it was not enforced, and approximately 30 percent of citizen births were not registered. Without birth registration, families may face difficulties in accessing government-sponsored insurance benefits and enrolling children in schools. 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.

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. 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. Although girls and boys ostensibly received equal educational opportunities, boys were more likely to finish school.

Some provinces and districts, such as South Sumatra Province and Serdang Bedagai District in North Sumatra Province, have local policies for compulsory education for 12 years or up to senior secondary.

The national government provided educational assistance to 2.2 million elementary school students of the 26 million elementary school students, 10 percent of whom were from poor families. The government categorized as poor a person earning 250,000 rupiah (\$25) or less per month.

Child labor and sexual abuse were serious problems. According to the National Commission for Child Protection (Komnas Perlindungan Anak) estimates, between 70,000 and 90,000 children were victims of sexual abuse during the year. The Child Protection Act addresses economic and sexual exploitation of children as well as adoption, guardianship, and other issues; however, some provincial governments did not enforce its provisions. Child abuse is prohibited by law, but government efforts to combat it generally continued to be slow and ineffective. NGOs reported excessively long waits to bring a child rape case to court and unclear mechanisms for reporting and dealing with child abuse.

According to ILO data from 2007, there were 21,000 child prostitutes in Java. Nationally, the ILO estimated 40,000 to 70,000 children were the victims of sexual exploitation.

According to Komnas Perlindungan Anak, 6.5 million children under the age of 18 were working because of poverty.

FGM was practiced in many parts of the country. Complications from the FGM surgical procedures reportedly were minimal. Some NGO activists dismissed any claims of mutilation, saying the ritual as practiced in the country was largely symbolic. In 2007 the minister of women's empowerment called for a complete ban of the practice. In 2006 the Ministry of Health banned FGM by doctors and nurses. However, symbolic female circumcisions that did not involve physical damaging of the child could be carried out, and violators of the ban did not face prosecution. According to NGOs, nearly

96 percent of families reported that their daughters had undergone circumcision by the time they reached 14. NGO activists said that female circumcision was seen as a religious duty.

During the year national attention continued to focus on the problem of child marriage following reports that a Muslim cleric, Syech Puji, married a 12-year-old girl in Semarang, Central Java, in 2008. Senior Muslim clerics strongly criticized the marriage, and the cleric was investigated. In November 2008 Komnas Perlindungan Anak persuaded the cleric to return the child to her parents until she reaches 16 years of age. The commission was unable to annul the marriage. On October 13, a district court dismissed all charges against Syech Puji.

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 prostitution often through debt bondage.

Although government policy was not to detain or imprison victims of child sexual exploitation, some victims reportedly were treated as criminals and penalized for prostitution activities. Corrupt civil servants issued falsified identity cards to underage girls, facilitating entry into the sex trade. There also were reports of sexual exploitation of boys. The country was a destination for child sex tourism. During the year NGOs reported that pedophile rings continued to operate in Bali. NGO observers said many girls were forced into prostitution after failed marriages 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 that they were once married.

There is no statutory rape law nor an established age for consensual sex. The 2008 Pornography Law prohibits child pornography and establishes penalties.

In 2008 the ILO's International Program on the Elimination of Child Labor (ILO-IPEC) estimated that there were 1,450 street children in an East Jakarta municipality, 38 percent girls, a marked increase in the percentage of girls compared with earlier surveys. According to government officials, there were an estimated 233,000 street children in the country.

East Java was home to more than 8,200 street children, many reportedly susceptible to sexual abuse and violence. Approximately 40 shelters in the province provided services to such children. According to the Ministry of Social Affairs, in January there were 1,305 street children under the supervision of various rehabilitation centers in Jakarta. The government continued to fund other shelters administered by local NGOs and paid for the education of some street children.

A UN report found that juvenile detainees in prisons across Java were subjected to harsh conditions. The report noted that both police and other inmates subjected children as young as 10 to severe physical abuse. 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.

During the year the International Centre for Prison Studies reported that there were 1,993 children awaiting trial and 2,516 children in the prison population.

NGOs reported that the government paid little attention to the rights of juvenile offenders. Juveniles were held in the same detention facilities as adults during pretrial and trial phases of detention and frequently experienced abuse while in detention. According to the government, 5,760 children received jail sentences during the year. Substantial numbers of

street children were apparent in Jakarta and the provinces of East Java, West Java, North Sumatra, and South Sulawesi.

Trafficking in Persons

The antitrafficking law outlaws all forms of trafficking, including debt bondage and sexual exploitation, and includes a comprehensive mandate for rescue and rehabilitation of victims. It provides stiff penalties for officials and labor agents complicit in trafficking. Penalties range from between three to 15 years in prison, with penalties for officials assessed at a rate one-third higher. Provincial and local governments also increased efforts and resources to fight trafficking. The country's embassies and consulates were active in rescuing and assisting victims.

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 citizen 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 some cases of trafficking to the United States. Trafficking for prostitution, domestic service, and work in restaurants and hotels were more common, with some forced labor in construction and plantation work. Impoverished citizens were potential victims, but boys and girls under age 18 and women of all ages were most vulnerable. Victims were subjected to physical and psychological abuse, sometimes resulting in death.

The sophisticated national trafficking network was decentralized with neighborhood brokers trafficking victims to labor-supply agencies in large cities, which in turn sold victims to labor-supply agencies in receiving countries. Local government, immigration, and manpower officials often were complicit in the process. The domestic trafficking of women and girls into prostitution operated in a similar manner. Local officials, police, and military were complicit in this activity as well. Some labor recruitment companies operated in a manner similar to trafficking rings, luring both male and female workers into debt bondage, involuntary servitude, and other trafficking situations.

Law enforcement against traffickers has increased somewhat in recent years; the most recent statistics show prosecutions increased from 109 to 129, and convictions from 46 to 55. In 2008 the average sentence was 43 months in prison. The government trained more law enforcement officials on fighting trafficking, often in interagency courses also attended by NGOs. The numbers of special antitrafficking police and prosecutors increased. A new National Plan of Action was finalized in September.

The government was renegotiating a memorandum of understanding (MOU) with Malaysia. One of the issues being renegotiated was the basic right of workers to hold their travel documents. Exploitation of workers by manpower placement companies continued to be widespread. The decentralized approach to rescuing, treating, and reintegrating victims and inadequate funding for victim assistance hindered implementation of the law. The national budget for antitrafficking remained far below needs, and local budgets were uneven and generally insufficient. There was no progress in stopping officials from abetting trafficking in prostitution, for example, by falsifying documents. No action was taken to protect women and children entrapped in debt bondage as domestic servants within the country. The migration system continued to allow exploitation of migrant workers and lacked sufficient protections against trafficking.

During the year the media reported a large number of trafficking cases, and the police pursued cases, including cases of child trafficking, in Tanjung Pinang (Riau Province), Medan (North Sumatra), Bandar Lampung (Lampung Province), Bekasi and Bogor (West Java), Semarang (Central Java), and Malang and Jember (East Java). The police and the Ministry of Women Empowerment noted new modes of child trafficking recruitment. Traffickers offered vocational students

internship opportunities abroad that ultimately led to labor or sexual exploitation.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The government classifies persons with disabilities into four categories: blind, deaf, mentally disabled, and physically disabled. The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. The law also mandates accessibility to public facilities for persons with disabilities; however, the government did not enforce this provision. The government estimated that approximately 3 percent of the population had a disability.

Few buildings and virtually no public transportation facilities were accessible to persons with disabilities. The law requires companies that employ more than 100 workers to set aside 1 percent of 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 had their hydraulic lifts vandalized, rendering them unusable. Few companies provided facilities for persons with disabilities, and fewer companies employed such persons. Surabaya's airport opened in 2006 and was not accessible for persons with disabilities. Lack of funds was generally cited as the primary reason for not improving accessibility.

In 2003 the government stated the country was home to 1.3 million children with disabilities; the actual number 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 run privately. According to NGOs, more than 90 percent of blind children were illiterate. Some young persons with disabilities resorted to begging for a living.

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, played a major role in the economy, and increasingly participated in politics. However, some ethnic Chinese noted that, despite recent reforms, 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. A number of articles of law, regulation, or decree discriminated against ethnic Chinese citizens. NGOs such as the Indonesia Antidiscrimination Movement urged the government to revoke the remaining discriminatory articles.

Indigenous People

The government viewed all citizens as "indigenous"; however, it recognized 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 peoples' land. In Papua tensions continued between indigenous Papuans and migrants from other provinces, between residents of coastal and inland communities, and among indigenous tribes.

Human rights activists asserted 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.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The 2008 Pornography Law bans gay and lesbian sex. According to NGOs, lesbian, gay, transgender, and bisexual (LGBT) issues were characterized as socially taboo. The government took almost no action to prevent discrimination against LGBT persons or to spur action by the police in investigating societal abuse against LGBT persons. Police corruption, bias, and violence caused LGBT individuals to avoid interaction with police. NGOs reported that LGBT individuals were socially ostracized by family members and the general public.

On September 6, the provincial legislature in Aceh passed a law criminalizing homosexual conduct.

LGBT organizations and NGOs operated openly. However, certain religious groups sporadically disrupted LGBT gatherings and individuals were sometimes victims of police abuse.

On May 16, LGBT organizations held gay pride marches in Jakarta, Surabaya, Yogyakarta, Makassar, and Banda Aceh commemorating the International Day Against Homophobia. Organizers were able to obtain necessary permits from the government and police provided protection to the marchers.

NGOs documented instances of government officials not issuing identity cards to LGBT individuals.

Other Societal Violence or 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 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 antiretroviral drugs, potential recipients had to pay medical fees that put the cost beyond the reach of many.

Section 7 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 records, rather than approves, the formation of a union, federation, or confederation and provides it with a registration number. In recent years some unions reported local ministry offices prejudicially recommended denial of registration. The vast majority of union members belonged to one of three union confederations.

During the year, according to labor sources, 10 percent of workers in the formal sector were trade union members, and more than 35 percent of workers in the service sector belonged to unions.

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. A union may also be dissolved 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.

Under the Manpower Development and Protection Act (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." Types of enterprises included in this classification are 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 "declared by both sides."

Before workers can 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. Employers commonly used such appeals as intimidation tactics against strikers.

In practice strikes were prohibited in the public sector, in essential services, and at enterprises that served the public interest. The ITUC asserted that such practice clearly exceeded 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. 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.

On September 18, more than 300 food service workers from the Congress of the Indonesian Labor Union Alliance (KASBI) demonstrated at Surabaya Plaza Shopping Centre to protest the dismissal of two contract workers by a Kentucky Fried Chicken outlet operated by PT Fast Food Indonesia. A KASBI spokesperson said that 20 of the company's 120 workers were employed under an internship program without government authorization.

On December 10, police injured at least nine persons among approximately 15,000 members of the Federation of Indonesian Metal Workers' Union who were demonstrating in front of the governor's and regent's offices in Batam demanding a wage increase.

In December 2008 workers at an electronic components company in Bekasi went on a two-day strike to object to outsourcing of core positions. After the strike the company petitioned to the Manpower Ministry to terminate all of the 94 workers who were also members of the striking union. The company reported the union to the police for committing an unpleasant act by causing them to lose profits as a result of the strike and filed a lawsuit against the union in civil court also for lost profits. As a result of the dismissal of all union officers and strike participants, the union was dissolved. On September 15, the Bekasi District Court dismissed the case on the grounds that the union was not a proper legal entity before the court but invited the corporation to refile against union officers.

b. The Right to Organize and Bargain Collectively

According to the Manpower Ministry, approximately 25 percent of companies with more than 10 employees had 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 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. At year's end no implementing regulations had been issued.

Company regulations, permitted 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.

Unions were 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 assistance of local offices of the Manpower Ministry. There also were credible reports of widespread use of vocational students under internship programs, which appeared to violate labor laws and weaken unions. 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. To date no labor court has ruled in favor of workers who have filed either for compensation or to be rehired.

The law prohibits employment discrimination against union organizers and members and provides penalties for violations; however, in many cases the government did not effectively enforce the law. 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 ITUC, legal procedures were very long, with antiunion discrimination cases sometimes taking up to six years. Bribery and judicial corruption in workers' disputes continued, and decisions often were not in workers' favor. While dismissed workers may be financially recompensed, they were rarely reinstated.

Companies sometimes transferred union leaders to jobs where they could not continue their union activities.

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.

In recent years employers have repeatedly filed criminal complaints against union officers following failed collective bargaining negotiations or lawful strikes. In a number of cases, union officers were prosecuted and even served prison time for destruction of property and interference with profits as a result of complaints brought by employers. Some provisions in criminal law have aided these tactics, such as a crime of "unpleasant acts," which creates criminal liability for a broad range of conduct.

On March 1, PT Tirta Samudera Caraka rejected its labor agreement with a Confederation of the Indonesian Prosperity Labor Union and informed its workers that they would have to sign individual employment contracts to continue their employment. The union began a strike on March 4 but returned to work the next day when the company said it would meet with the union. However, the company dismissed 40 workers, all of whom were union members. At year's end attempts to mediate the dispute through government procedures appeared unsuccessful.

On March 27, PT Smart Glove Indonesia in Medan, North Sumatra, summarily dismissed 97 workers for attempting to form a union.

On May 7, airport workers, represented by Serikat Pekerja PT Angkasa Pura 1 union (SPAP-1), staged strikes at five airports operated by state-owned PT Angkasa Pura 1. The union maintained that the company had not implemented provisions in their 2006 agreement concerning salaries, pension payments, and health insurance. Several SPAP-1 members were fired or suspended apparently because of the strike action.

On July 24, management at PT Bekaert Advanced Filtration in Tangerang dismissed all worker representatives of the Lomenik-SBSI. Additionally, the company allegedly retaliated against union members by denying overtime compensation, pressuring workers to resign from the union, offering bribes to union leadership, and interrogating workers about their union activities.

On October 3, a company official at PT Remaja Pesona Industri, a garment factory in Malang, dismissed more than 50 of its 150 workers. According to union officials, the company dismissed workers who participated in a recent strike over holiday bonuses.

There are no special laws or exemptions from regular labor laws in special economic zones (SEZs). However, nongovernmental observers 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; 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 labor NGOs, 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, resulting 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.

At year's end the government was still in the process of renegotiating the 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.

Girls and women employed as household servants often were held in debt bondage. According to a 2007 study by the Women's Legal Aid Foundation, 89,930 domestic workers in Jakarta were working without pay.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children defined as persons under the age of 18 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. Children, 13 to 15 years of age, 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. 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.

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 agriculture primarily on palm oil, tobacco, rubber, tea, and marijuana plantations. Children also worked

in fisheries, construction, manufacturing (such as cottage factory footwear production, textiles, cigarette production), logging, toy making, food processing (e.g., bird nest gathering), and in the small-scale mining sector. Other children work in the informal sector selling newspapers, shining shoes, street vending, scavenging, and working with their parents in family businesses or cottage industries.

NGOs documented hundreds of children ages 13 to 17 working in cottage shoemaking industry in West Java. Many girls between 14 and 16 years of age worked as live-in domestic servants. A domestic worker advocacy group estimated that there were four million domestic workers in the country, of whom at least one million were under age 18. According to the Komnas Perlindungan Anak, approximately 2.1 million children worked as housemaids or sex workers within the country and overseas. 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.

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.

At the end of 2008, ILO-IPEC Jakarta, in collaboration with various local universities/research institutes, conducted baselines surveys in a number of localities in North Sumatra, Lampung, and East Java. The surveys identified 3,396 children ages seven to 17 years who were engaged in plantations work (palm oil, rubber, tobacco, coffee, coconut), of whom 28 percent were age 12 years and below and 52 percent were not in school.

According to the National Labor Force Survey conducted by National Statistics Body in 2007, approximately one million children were working, of whom 60 percent were boys and 40 percent girls. However, due to prejudice and less attention to girls in this issue, the number of working girls was often underestimated by statistical surveys, which did not generally account for unpaid economic activities such as work in household enterprises or hidden activities such as prostitution, child trafficking, and domestic work, in which a large numbers of girls were involved.

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. In November 2008 scores of workers and union members protested a newly introduced joint ministerial decree on minimum wages designed to discourage local administrations from raising minimum wage rates beyond the financial capabilities of manufacturing firms. 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 Papua offered the highest minimum wage at 1.1 million rupiah (approximately \$123) per month, while the Manpower Ministry reported official minimum wages as low as 500,000 rupiah (\$60) per month in East Java.

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, they 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 the 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 2007, 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. By law workers have the right to remove themselves from hazardous conditions without jeopardizing employment; in practice it was not clear they could avail themselves of this right.