



Indonesia

Country Reports on Human Rights Practices - [2006](#)

Released by the Bureau of Democracy, Human Rights, and Labor

March 6, 2007

Indonesia is a multiparty republic with a population of approximately 245 million. In 2004 Susilo Bambang Yudhoyono became the country's first directly elected president in elections that international observers judged to be free and fair. Voters also chose two national legislative bodies in 2004: the House of Representatives (DPR) and the newly created House of Regional Representatives (DPD). While civilian authorities generally maintained effective control of the security forces, in some instances elements of the security forces acted independently of civilian authority.

The government generally has been unable to adequately address serious human rights abuses committed in the past. Inadequate resources, weak leadership, and limited accountability contributed to continued abuses by security force personnel, although with sharply reduced frequency and gravity than under past governments. The following human rights problems occurred during the year: unlawful killings by security force personnel, terrorists, vigilante groups, and mobs; torture; harsh prison conditions; arbitrary detentions; a corrupt judicial system; warrantless searches; infringements on free speech; restrictions on peaceful assembly; interference with freedom of religion by private parties, sometimes with complicity of local officials; intercommunal religious violence; violence and sexual abuse against women and children; trafficking in persons; failure to enforce labor standards and violations of worker rights, including forced child labor.

During the year the implementation of the Aceh peace accord, signed in 2005, continued to yield substantial legal and judicial improvements. No unlawful disappearances occurred; human rights observers were given open access to the province; and the year marked the election of a former Free Aceh Movement (GAM) leader as governor. Domestic and international observers judged the elections to be free and fair. In the legal area the government added Confucianism to the list of officially recognized faiths; a new law gave important citizenship rights to foreign spouses of citizens and the children of such marriages; court decisions applied the more expansive press law rather than the more punitive criminal law in press freedom cases; and the Constitutional Court declared articles of the penal code criminalizing defamation of the president and vice president unconstitutional.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

During the year there was a sharp decrease in unlawful killing by security forces, particularly in the conflict areas of Aceh and Papua. However, the government, in the past, rarely investigated such killings and largely failed to hold soldiers and police accountable for killings and other serious human rights abuses that occurred in past years.

On January 20, soldiers opened fire on a crowd in Paniai, Papua killing one Papuan and wounding two others. The Indonesian Armed Forces (TNI) is reportedly investigating the incident. At year's end no charges had been filed.

On March 6, a man on a motorcycle, trying to evade a police roadblock in Peudawa, East Aceh, died. Police maintained that death was the result of a fall; local residents and others maintained that he was shot by police and that other bystanders on the scene were shot and wounded as well. An investigation reportedly was underway, but no results had been released at year's end.

On May 17, police in Wamena, Papua, shot and killed two persons in a crowd trying to block the arrest of a local official on corruption charges. There were no further developments at year's end.

On July 3, TNI personnel reportedly shot and killed a former GAM member in Keude Paya Bakong, North Aceh, in what may have been a traffic dispute. No new developments were reported at year's end.

On August 19, Deny Lewol was arrested by police in Benteng, Ambon City, Maluku. He reportedly was beaten while in custody at the Benteng police station and later died at the hospital (see section 1.c.).

There were no known developments regarding the 44 civilians and 37 GAM members whom the Human Rights Nongovernmental Organization Coalition in Aceh reported were killed during 2005.

There were no known developments regarding the following 2005 cases: the January incident in Bireuen, Aceh, during which six members of the TNI special forces (Kopassus) reportedly killed two men and injured another; the January incident in Nabire, Papua, in which TNI personnel allegedly beat local Papuan residents leaving seven seriously injured and one, Miron Wonda, dead; the April incident in Mulia City, the capital of Puncak Jaya Regency, during which the police shot and killed Tolino Iban Giri and arrested eight other persons; the report that TNI and Police Mobile Brigade (Brimob) personnel killed three suspected rebels after capturing them during a joint operation in Serba Jaya village in Aceh Jaya District.

The government made no significant progress establishing accountability for the following 2004 abuse cases: the beating death of an East Java resident by police; the killing of three persons who allegedly tried to escape police custody in Sragen, Central Java; the killings of Hermansyah and Ade Candra, who allegedly tried to escape police questioning in Pekanbaru; the police shooting in Poso that injured Bambang, a wrongly accused murder suspect.

On October 4, the Supreme Court overturned the murder conviction of Polycarpus Budihari Priyanto for the 2004 poisoning death of prominent human rights activist Munir Thalib. The Court upheld Polycarpus's conviction and two-year sentence on lesser charges of falsifying official documents. On December 25, Polycarpus received a three-month remission for good behavior and was released from prison, having served 21 months. A report on the case prepared by a presidentially appointed fact-finding team in 2005 was not publicly released but, according to press reports, concluded that Munir's killing was a conspiracy and recommended investigation of former and current officials of the State Intelligence Agency and of Garuda airlines officials. Munir's widow publicly expressed disappointment with the Supreme Court ruling. She had previously called on the president to establish a new investigation team with more power than the previous one. President Yudhoyono has publicly promised that the government would find and try all those responsible for the killing. On December 29, after a meeting with President Yudhoyono, the national police chief declared that the police were continuing to pursue new evidence in the case.

During the year the Indonesian Human Rights Commission (Komnas HAM) investigated the 1998 killing of four students at Trisakti University and nine demonstrators at Semanggi intersection and the 1999 killing of an additional four demonstrators at Semanggi; it concluded that the killings were gross human rights violations. Komnas HAM submitted these cases to the Attorney General's office (AGO) for prosecution; however, the AGO argued that it could not prosecute these cases unless the DPR classified them as gross human rights violations. In February DPR Speaker Agung Laksono said that the DPR would not reconsider its 2001 decision that these cases were not gross human rights violations.

In August 2005 the governments of Indonesia and East Timor established the Truth and Friendship Commission (TFC) to address the human rights violations that occurred in East Timor in 1999. The mandate of the TFC has been extended to August 2007. The TFC prioritized 14 cases to be addressed, including the Liquica killing, the ambush of Suai Church, and the shooting in the house of Mario Carrascalao (see section 1.e.).

During the year, there were no reports of known killings by the GAM or the Free Papua Movement (OPM).

In 2005 the nongovernmental organization (NGO) Commission for Disappearances and Victims of Violence Aceh reported that GAM killed seven civilians; the Human Rights NGO Coalition reported that GAM killed 17 soldiers during 2005. There were no known developments in these cases.

In May 2005 GAM rebels allegedly shot and killed a seven year-old boy in North Aceh Regency during a rebel ambush of a vehicle carrying the boy. The incident left 10 others, including three soldiers, injured. There were no known developments in this case.

There was no known progress in the following cases from 2004: the four civilians found dead in a jungle near Peureulak, East Aceh; the killing of civilian Cut Musdaifah in Wakheuh village; the alleged GAM killing of local legislature candidate Muhammad Amin; and the shooting death of a paramedic in South Aceh.

In March 2005 in Mulia, Papua, according to the military district command, an unknown person, believed to be an OPM member, shot and killed local civilian Tinius Tabuni. There was no known progress in this case.

On November 7, a Central Jakarta court sentenced OPM guerrilla Anthonius Wamang to life in prison for the 2002 murder of two American citizens and an Indonesian citizen in Timika, Papua. Two co-defendants were convicted of conspiracy to murder and sentenced to seven years. Four other defendants were convicted of assisting the conspiracy and sentenced to 18 months in prison.

The courts tried a number of suspects in connection with major terrorist incidents. On September 14, the Denpasar District Court in Bali announced the final of four convictions of Jemaah Islamiyah (JI) associates for their role in the October 2005 Bali suicide bombings, which killed 19 persons and injured more than 100 in the tourist areas of Kuta and Jimbaran. The Bali Court used the country's 2003 Counterterrorism Law and the Criminal Code to hand down sentences for charges that varied from assembling explosives linked to the attacks to hiding the suspected architect of the bombing, Noordin Top, and facilitating his use of the Internet to spread the group's violent ideology. The stiffest sentences were given to Mohammad Cholily (18 years) and Anif Solchanudin (15 years), in each case exceeding the prosecutor's recommendations. The court handed down sentences for Abdul Aziz and Widiyanto that were two years less than the 10 recommended by prosecutors. Following the convictions, lawyers for Cholily, Solchanuddin, and Widiyanto filed appeals, which were withdrawn at the insistence of the convicted men.

On December 6, lawyers for the three men convicted of carrying out the 2002 Bali bombing, Amrozi, Ali Ghufron (alias Mukhlis), and Imam Samudra, filed requests for judicial review of their convictions. The attorneys argued that the 2003 antiterror law, which was passed after the bombing and under which the bombers were convicted, could not be applied retroactively. At year's end, the review was underway.

On December 13, the Surabaya district court sentenced Ahmed Arif Hermansyah to three years in prison for hiding explosives that were used in the 2004 bombing of the Australian Embassy in Jakarta, which killed 10 and injured more than 150 people.

On December 21, the Supreme Court overturned the conviction for conspiracy of JI spiritual leader Abu Bakar Ba'asyir in connection with the 2002 Bali bombings. After a key witness renounced his statement that Ba'asyir had attended meetings where the bombings had been discussed, the court decided there was insufficient evidence to uphold Ba'asyir's conviction. Ba'asyir had already completed his prison sentence.

The courts continued with prosecutions related to the 2003 Marriott hotel bombing that killed 12 persons. On May 1, the South Jakarta District Court sentenced Muhammad Iqbal (alias Bayhaqi) to four years for aiding terrorists and smuggling weapons; Abdullah Sunata (alias Arman) was sentenced to seven years for financing terrorists and withholding information on Noordin Top; Joni Ahmad Fauzani and Joko Sumanto were found guilty of helping to conceal Top and received four-year sentences.

Religious and ethnic conflict in Central Sulawesi abated somewhat during the year. The number of murders declined from 37 in 2005 to eight, and the number injured due to religious or ethnic attacks declined from 104 to three. A new provincial police chief and 1,000 additional police improved security which reduced violence in the province.

On January 25, the Poso police chief survived an attack by an assailant on a motorbike when a bullet narrowly missed his head. On September 6, a 50-year-old male was killed when a bomb exploded in Tangkura village of Poso Pesisir subdistrict. On September 9, a bomb exploded in Kawua, South Poso, killing one person. No arrests have been made. On October 1, a Christian woman was stabbed and killed while riding public transportation through a predominantly Muslim area of Poso City. On October 16, an unidentified gunman shot and killed Reverend Irianto Kongkoli in Palu, Central Sulawesi. Police continued to investigate but had made no arrests at year's end.

Government and police continued to make some progress in handling conflicts in Central Sulawesi and Maluku. Police made stronger efforts to investigate, arrest, and prosecute those involved in violence. On May 8, provincial police captured two men, Hasanuddin and Taufik, believed to be the perpetrators of the October 2005 beheadings of three Christian schoolgirls near Poso. Taufik admitted to participating in the beheadings and the murder of Helmi Tobiling in 2004. At year's end Taufik was awaiting trial. Based on information provided by Hasanuddin and Taufik, police arrested five additional suspects for a number of outstanding crimes over the last several years: Jendra (alias Asrudin), Irwanto Irano, Lilik Purwanto (alias Haris), Nano Maryono, and Abdul Muis in Toli-Toli, Central Sulawesi. Police provided local media with a video in which Hasanuddin, Purwanto, Jendra, and Irano confessed to the 2005 beheadings of the three schoolgirls and named two other co conspirators. On the same video Irano also confessed to participating in the May 2005 Tentena market bombing as well as the 2004 Immanuel Church bombing. Lilik Purwanto confessed to murdering Poso prosecutor Ferry Silalahi and Reverend Susianti Tinulele and to bombing the Immanuel Church and the Anugerah Central Sulawesi Protestant Church in 2004. At year's end neither Purwanto nor Irano had been charged for these crimes.

In November 2005 police arrested four men, Parlin, Nurdin, Arsam, and Alfitzar, in connection with the November 2005 beheading of a Muslim girl in Palu. At year's end all four had been convicted of involvement in the murder.

On September 22, Fabianus Tibo, Dominggus da Silva, and Marianus Riwu were executed for their roles in connection with sectarian violence in Poso in 2000 and in the murder of 191 Muslims in a school. The executions led to violence in areas of Flores and West Timor, Nusa Tenggara Province, and in Central Sulawesi. In Flores, 3,000 persons rioted and burned down at least three government buildings. In Kefamananu and Atambua, West Timor, between 3,000 and 5,000 persons rioted, destroying government buildings, homes, and vehicles. In Central Sulawesi, on the same day as the executions, two Muslims, Arham Badaruddin and Rendi Rahman, were pulled from their car and killed while passing through Taripa, a predominantly Christian village. According to the local police, an autopsy revealed that the men were beaten to death with a blunt object. Police arrested 17 people for participating in the killings, all of whom admitted their involvement. The suspects told police that the victims were killed because of the executions of Tibo, Riwu, and Da Silva. At year's end, the suspects were awaiting trial. Several other incidents occurred following the executions, including three small bombings, attacks on both Muslims and Christians, and an attack on the Central Sulawesi police chief that resulted in the mobbing and destruction of his police helicopter by a crowd of 5,000. Police continued to investigate convicted murderer Fabianus Tibo's accusation that 16 other Christians masterminded the Central Sulawesi violence. In April Central Sulawesi police again questioned 10 out of the 16 people named by Tibo.

Maluku Province saw greatly reduced ethnic and religious tensions during the year, and religious leaders met frequently and openly to discuss local events while cooperating to maintain peace and security in the province. During the year four murders and two injuries from violent attacks occurred in Maluku Province; in 2005 four murders and 13 injuries were reported.

In February the Ambon state court sentenced Ongen Pattimura to life in prison and Muthalib Patty to 15 years in prison for their roles in killing two persons and injuring two others during the February 2005 attack on the "Villa" Karaoke Club in Hative Besar, Ambon. The Ambon district court also sentenced Syamsudin (alias Fatur or Andi) to life in prison for his role in planning the attack.

On April 26, Ambon district court sentenced Zainuddin Nasir to 20 years in prison for his role in the 2004 attack on Wamkana village of Buru Island, during which attackers fired on the village from a speedboat, killing three and injuring four.

On September 12, the Ambon state court sentenced Syarif Tarabubun to 15 years in prison for his involvement in the "Villa" attack. Police originally arrested Tarabubun, a police officer, in November 2005 as a suspect in a number of terrorist actions, including the killings at Wamkana in March 2005, the attack on the "Villa" Karaoke club in February 2005, and the May 2005 attack on a Brimob operations command post in Loki Village, Piru District in West Seram Island, Maluku Province, which killed seven persons, including five police officers.

During the year the Ambon district court convicted three men for participating in a series of attacks in 2004 and 2005. On February 13, the

court sentenced Asep Djaja to death for his involvement in the May 2004 Wamkana attack and the May 2005 Loki attack. The sentence was reduced to life imprisonment on appeal. The court also sentenced Nazaruddin Mochtar (alias Abu Gar) to nine years in prison for his involvement in the Loki attack. On April 13, the court convicted Abdullah Umamit of involvement in the Loki attack and the 2004 Batu Merah grenade attack, which injured five persons in a Muslim neighborhood. The incident provoked Muslim residents to attack a bus in March 2005, killing four and injuring 14 Christian passengers. There has been no progress on the bus attack investigation.

On March 16, protesters in Abepura, Papua Province, killed three policemen and an air force intelligence sergeant. According to a Federation of Papuan Churches report, a civilian, Jeni Hisage, was shot, beaten, and killed by police in the aftermath of the riot.

b. Disappearance

In the past Aceh Province was the scene of numerous disappearances. During the year there were no known disappearances in Aceh. On November 6, in a speech in Aceh, the TNI commander said that the TNI no longer engaged in kidnapping. The government reported little progress in accounting for persons who disappeared in previous years or in prosecuting those responsible for those disappearances.

During 2005, according to the Human Rights NGO Coalition, 31 civilians and one GAM member were kidnapped in Aceh; 46 civilians and four GAM members reportedly were kidnapped in 2004. Security forces were implicated in some of the disappearances.

There has been no known progress in the 2004 case of a wounded 16 year-old boy whom police allegedly took into custody, or in the cases of Mukhlis and Zulfikar, members of the local NGO Link for Community Development. There was no known progress regarding the 2004 disappearances of elementary school teachers Muhammad Amin Alwi and Hasballah, who were forcibly taken by 10 armed men in military uniforms in Nagan Raya Regency.

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

In 2004 Pentecostal minister Jokran Hardi Ratu (alias Jarok Ratu) was abducted in South Buru Island, Maluku Province. Abdullah Umamit, who was serving a life sentence for his involvement in the Loki attack (see section 1.a.), was also convicted in the kidnapping of minister Ratu. Umamit admitted in the investigation report that he kidnapped and killed the minister and then threw the body into the sea.

On September 30, a Komnas HAM ad hoc team submitted to the AGO the results of their inquiry into the 1998 abductions of between 12 and 14 pro-democracy activists; the findings had been previously announced publicly in September 2005. Despite refusals from military personnel to cooperate in the investigation, Komnas HAM concluded that all victims still missing were dead and identified suspects for an official investigation without publicly releasing their names. During the year the AGO took no action, stating that it could not prosecute these crimes unless the DPR declared them gross human rights violations (see section 1.a.).

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 makes it a crime punishable by up to four years in prison for any official to use violence or force to elicit a confession; however, law enforcement officials widely ignored such statutes. Security forces continued to employ torture and other forms of abuse. The government made some efforts to hold members of the security forces responsible for acts of torture. During the year the use of torture to obtain confessions from suspects was most apparent in Papua. Torture was sometimes used to obtain confessions, punish suspects, and seek information that incriminated others in criminal activity. Security forces also allegedly used torture to extort money from villagers. Reliable figures on the number of incidents of torture that occurred during the year were difficult to obtain. Torture and other abuse included random beatings, bitings, whippings, slashings, and burnings.

The Catholic Peace and Justice Secretariat (CPJS) reported that police arrested more than 20 Papuans following the March 16 Abepura incident, in which three policemen and an air force sergeant were killed (see sections 1.a. and 2.b.). CPJS staff visited the detainees and reported visible signs of abuse on detainees' faces. On August 28, a police officer named Novril beat one of the Abepura defendants, Nelson Rumbiak, in front of the Abepura Penitentiary (see section 2.b.). Novril was escorting Rumbiak from the Jayapura District Court where Rumbiak had testified that police had beaten him and others following the March 16 incident. The Jayapura police disciplinary committee sentenced Novril to 21 days' detention.

In Aceh Province the Human Rights NGO Coalition reported 17 cases of human rights violations committed by security forces against civilians and two cases against former GAM members during the year, compared with violations of 80 civilians' rights in 2005. In September 2004 Human Rights Watch (HRW) reported widespread abuse of prisoners in Aceh by security forces, including electric shocks and beatings with wooden beams and gun butts. The government announced it would investigate the allegations; however, there were no known investigations.

On January 20, security officers opened fire on a group of protesters outside a police station in Paniai Regency, Papua Province, killing one person and injuring two others (see section 1.a.).

Following the May 17 incident in Wamena, Papua, in which police killed two persons in a crowd trying to prevent the arrest of a local official (see section 1.a.), police allegedly detained more than 100 villagers, including women and children, and required them to sit in the sun in front of the police station for nearly four hours.

During the year the government reported no progress in prosecuting those responsible for acts of torture committed in Aceh in past years, including those cases detailed in reports by HRW and Amnesty International (AI).

During the year 15 persons were publicly caned in Aceh for offenses under Shari'a (Islamic law) such as gambling, consumption of alcohol, and being alone with members of the opposite sex who were not blood relatives, a sharp reduction from 2005, when at least 88 people were caned (see section 2.c.).

Military personnel and police officers were responsible for mistreatment and other cruel acts during the reporting period. In March Rosidi from Ra'ab, East Java, was arrested and accused of running an illegal lottery. According to the head of the village, Rosidi was in good health when he was taken to the police station. Following a severe beating, he was rushed to Dr. Sutomo Hospital in Surabaya. On March 27, Probolinggo police arrested three officers accused of the beating. At year's end no details of punishment were available.

On August 19, Deny Lewol was arrested by police in Benteng, Ambon City, Maluku. He was beaten while in custody at the Benteng police station and died at the hospital. A group of persons subsequently attacked and destroyed the Benteng police station. A crowd of hundreds brought his body to the Maluku police to protest. On August 20, Maluku provincial police arrested and charged three members of Maluku provincial police intelligence (Luis Nusamara, Albert Wattimena, Raders Ralahalu) and one civilian, Robert Latuheru, in the death. At year's end they were awaiting trial.

No known disciplinary action has been taken in the September 2005 attack by a group of Brimob officers in Kampu Pisa, North Maluku, which injured 12 persons. The deputy chief of the North Maluku Brimob unit had promised to punish the attackers.

On January 16, the Makassar military court sentenced three army soldiers to 10-week jail sentences and fines of \$0.55 (Rp 5,000) each for their involvement in the November 2005 attack on Banrimanurung village in South Sulawesi. Investigators from the Makassar military police found that 25 soldiers were involved in the attack, which injured three persons and destroyed 50 houses, four cars, and three motorcycles. The attack was triggered by an incident the previous week when villagers punched a soldier.

On August 20, Subiyanto, a police officer from the Probolinggo police precinct, beat and kicked five-year-old Rian Amarullah. Amarullah required hospitalization for his injuries. According to a source in the police unit, Subiyanto was drunk and hit three other men who saw the incident. Probolinggo police arrested Subiyanto. On August 23, Subiyanto reportedly committed suicide, hanging himself in his cell. In Poso, in November 2005 two schoolgirls, Ivon Nathalia and Siti Nuraini, were shot as they walked in the street. They stated that one of the perpetrators was a Poso police sergeant. Central Sulawesi Police Chief Oegroseno formed a special task force to investigate the incident and other shooting incidents that had occurred in Central Sulawesi, possibly involving police officers. On April 10, Central Sulawesi police arrested a police sergeant for the shooting of the two schoolgirls. At year's end, no further information about the investigation was available.

There was no reported progress in the investigation of the 2004 case of the TNI soldiers in Kampung Meureu Baro-Indrapuri who repeatedly raped a 16-year-old girl over a period of several months, leaving her pregnant.

On March 24, Hendra Saputra, a cadet at the Semarang Police Academy, was beaten, kicked, and subjected to electric shocks by five senior cadets in a hazing incident. He suffered serious brain injuries as a result. In November five cadets were charged with torturing Saputra. The five cadets were not suspended from the police academy and their ongoing police academy duties delayed the start of the trial until December. The court had not reached a verdict at year's end.

Mobs carried out vigilante justice, but reliable statistics on such actions were not available. Incidents of theft or perceived theft triggered many such incidents. On September 6, in West Jakarta, a mob beat and blinded in one eye a man who attempted to steal a woman's cellular telephone. Police saved him from being burned alive.

Prison and Detention Center Conditions

Conditions at the country's 365 prisons and detention centers were harsh, and overcrowding was widespread. Occupancy frequently was two or three times over recommended capacity. Guards regularly mistreated inmates and extorted money from them. 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 money to allow relatives to visit inmates. Unruly detainees were held in solitary confinement for up to six days on a rice-and-water diet.

The wealthy or privileged had access to better treatment in prison. The country's most famous inmate, Hutomo "Tommy" Suharto, the son of former president Suharto, reportedly left his Central Java prison cell for Jakarta every month via helicopter and stayed at a luxury hotel while being treated at Subroto Army Hospital for a benign tumor behind his eye. In 2002 the Central Jakarta District Court sentenced Tommy to 15 years in prison for hiring two men to kill Supreme Court Justice Syaifuddin Kartasasmita, who had convicted him for corruption. On appeal, the Supreme Court reduced the sentence to 10 years. While serving his sentence, Tommy received regular remissions of between six months and one year for "good behavior," and he was released conditionally on October 30.

Most children convicted of serious crimes served their sentences in juvenile prisons. However, in the arrest and trial phases, authorities held juveniles in detention centers with adults (see section 5). In theory, prisons held those convicted by courts, while detention centers held those awaiting trial; however, in practice, pretrial detainees at times were held with convicted prisoners.

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

d. Arbitrary Arrest or Detention The law contains provisions against arbitrary arrest and detention but lacks adequate enforcement mechanisms, and authorities routinely violated it. 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.

Role of the Police and Security Apparatus

The president appoints the national police chief, subject to DPR confirmation. The police chief reports to the president but is not a full member of the cabinet. The national police force has approximately 250,000 officers deployed throughout the 33 provinces. The police maintain a centralized hierarchy, and locally deployed forces formally report to their national headquarters rather than to local governments. The military is responsible for external defense, but also has a residual obligation to support the police in their domestic security responsibilities. In Aceh, the Shari'a police, a provincial body, is responsible for enforcing Shari'a law. During the year international NGOs noted improvement in the degree of police crime-fighting professionalism and an increased emphasis on law enforcement ethics. Overall, however, police professionalism remained low, as did their respect for human rights and effectiveness at investigating human rights abuses. Impunity and corruption remained significant problems. There were instances in which the police failed to respond to mob or vigilante violence. Police commonly extracted bribes, ranging from minor payoffs in traffic cases to large bribes in criminal investigations. From January to October, the Division of Profession and Security (Propam) reportedly investigated 5,486 police officers, including high-level officials, across the country, resulting in 240 dismissals. Other punishments varied from demotion to criminal prosecution.

In August Propam ordered that Southwest Sulawesi Police Chief Brigadier General Edhy Susilo be removed from his position following a disciplinary hearing on sexual harassment charges. On September 16, the provincial chief of police in East Kalimantan, Inspector General Djosua Sitompul, was removed from his position on suspicion of involvement in illegal logging.

On September 26, the South Jakarta District Court found Brigadier General Ismoko guilty of receiving bribes and sentenced him to 20 months in prison. In the same case, Commissioner General Suyitno Landung, the former head of the Criminal Investigation Division and an instructor at the National Institute of Defense, was arrested in December 2005 on suspicion of accepting bribes. On October 10, Landung was sentenced to 18 months in prison. He is the highest-ranking police official to be jailed for corruption.

On December 4, Senior Commissioner Erick Bismo, the deputy police chief in Rembang, Central Java, was removed from his position for allegedly beating 26 subordinates.

Arrest and Detention

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; prosecutors may detain a suspect 30 days initially, with a 20-day extension permitted. Prosecutors may extend police detention periods, and a district court may further extend prosecutors' detention of a suspect. The district and high courts may detain a defendant up to 90 days during trial or appeal, while the Supreme Court may detain a defendant 110 days while considering an appeal. In addition, the law allows detention periods to be extended up to an additional 60 days at each level if a defendant faces a possible prison sentence of nine years or longer or if the individual is certified to be mentally or physically disturbed. 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.

In areas of separatist conflict, such as Papua, police frequently and arbitrarily detained persons without warrants, charges, or court proceedings. The authorities rarely granted bail, frequently prevented access to defense counsel during investigations, and limited or prevented access to legal assistance from voluntary legal defense organizations.

In the aftermath of the March 16 Abepura incident in which three police officers were killed, police allegedly physically abused and arbitrarily arrested suspects. Only one of the persons arrested was on the list of suspects issued by local police immediately after the incident. According to human rights groups, the persons arrested were a combination of student activists and innocent bystanders implicated during the interrogation of other suspects (see sections 1.a., 1.e., and 2.b.).

e. Denial of Fair Public Trial The law provides for judicial independence. In practice the judiciary became increasingly independent but remained influenced at times by the executive branch, the military, business interests, and politicians. The Constitutional Court demonstrated significant independence and, in some major cases, ruled against the government. Low salaries continued to encourage corruption, and judges were subject to pressure from government authorities, which often influenced the outcome of cases.

Under the Supreme Court are general, religious, military, and administrative courts. The law provides for the right of appeal. The Supreme Court normally considers only the lower court's application of the law. Another avenue for appeal is the judicial review process. Judicial review allows the Supreme Court to revisit cases that have already been decided (including by the Supreme Court itself), provided that 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.

In August 2005 the president inaugurated the Judicial Commission with a mandate to propose candidates for appointment as justices to the Supreme Court and to monitor and ensure the integrity of judges. In an August 23 verdict, the Constitutional Court stripped the Judicial

Commission of an oversight role and concluded that the law establishing the commission did not clearly state what the body would monitor. Legal experts criticized the court's decision as counter to efforts to combat corruption. During the year the commission received a total of 473 reports about the conduct of judges.

The judicial branch theoretically is equal to the executive and legislative branches, and it has the power of judicial review of laws passed by the DPR; government regulations; and presidential, ministerial, and gubernatorial decrees. In practice the judiciary was less influential than the executive and legislative branches. In each of the country's 2,418 district courts, a panel of judges conducts trials by posing questions, hearing evidence, deciding on guilt or innocence, and assessing punishment. Both the defense and prosecution can appeal verdicts. At times judges reversed initial judgments in the appeals process and sometimes lengthened or shortened sentences.

In the aftermath of the March 16 Abepura civil disorder, police arrested a total of 24 persons on charges ranging from murder to assault on obstructing an officer in the performance of official duties; at year's end 22 had been convicted and given sentences ranging from four months to 15 years in jail. The trials of the remaining two were in progress at year's end. Human rights activists raised serious questions about the fairness of the trials. They noted the lack of positive identifications of suspects by police in most cases, the admission of physical evidence without proper foundation being laid, and alleged that the judicial panel was biased against the defendants. Komnas HAM was asked to investigate the trials, but, at year's end, it had not yet decided whether to open an investigation (see sections 1.a., 1.d., and 2.b.).

Trial Procedures

The law presumes that defendants are innocent until proven guilty. It also permits bail, which was used rarely in areas of separatist conflict. Court officials sometimes accepted bribes in exchange for granting bail. 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. The courts allowed forced confessions, particularly in conflict areas, and limited the presentation of defense evidence. Defendants have the right to avoid self incrimination but generally were required to give testimony before the conclusion of a trial. However, in practice, defendants regularly refused to answer questions. The law gives defendants the right to an attorney from the time of arrest and at every stage of examination, and requires that counsel be appointed in cases involving capital punishment or a prison sentence of 15 years or more. In cases involving potential sentences of five years or more, the law requires the appointment of an attorney 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. For example, the Women's Legal Aid Foundation (LBH-Apik) represented many women who otherwise could not afford representation. In many cases procedural protections, including those against forced confessions, were inadequate to ensure a fair trial.

On August 11, President Yudhoyono signed the Witness and Victim Protection Act, which is intended to protect witnesses who testify or provide information to investigators from harm and threats to their safety and security. The law provides security to witnesses and victims, and their family members. In the past many witnesses were reluctant to testify in court for fear of defamation charges. The Witness and Victim Protection Act does not shield against defamation charges.

Widespread corruption throughout the legal system continued. Bribes and extortion influenced prosecution, conviction, and sentencing in countless civil and criminal cases. On January 3, investigators from the AGO and the national police took Judge Herman Alossitandi into custody after he allegedly attempted to extort \$22,000 (200 million rupiah) from Walter Sigalingging, a key witness in a \$34.5 million (311 billion rupiah) graft case involving the former head of the state social security agency. The Supreme Court ordered the Jakarta High Court to set up a disciplinary council and move forward with the possible suspension of Alossitandi. On June 26, Alossitandi was sentenced to 4½ years in prison and fined \$22,000 (200 million rupiah).

On September 6, the Anti-Corruption Court sentenced Suparman, a former Corruption Eradication Commission (KPK) investigator, to eight years' imprisonment and fined him \$22,000 (200 million rupiah) for corruption and blackmailing a witness. The judges concluded Suparman abused his authority as a KPK investigator to extort money and goods from Tintin Surtini, a witness in a corruption case.

On December 19, the Constitutional Court ruled that the legal provision creating the Anti-Corruption Court was unconstitutional but permitted the court to continue functioning for three more years.

During the year the National Ombudsman Commission reported that it received 102 complaints of judicial corruption involving judges, clerks, and lawyers. This represented 13 percent of all corruption complaints, a reduction from 2005, when 36 percent of complaints related to judicial corruption. Key individuals in the justice system not only accepted bribes but also appeared to turn a blind eye to other government offices suspected of corruption.

Most judges earned \$200 to \$256 (1.8 million to 2.3 million rupiah) per month, while a judge with three decades' experience earned approximately \$660 (5.94 million rupiah) per month; Supreme Court justices earned between \$1,540 and \$2,640 (14 to 24 million rupiah) per month. During the year the government issued a presidential instruction to adjust the salary of judges to \$1,100-1,600 (10 to 15 million rupiah) per month. At year's end this decision had not been implemented.

Apart from the handful of soldiers who were tried in human rights courts, hundreds of low-level and sometimes mid-level soldiers were tried in military court, 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 or not to prepare a case. While administratively managed by the TNI, military prosecutors and judges were responsible to the AGO and the Supreme Court for the application of laws. However, under the "one roof system" adopted in 2004, the Supreme Court exercises administrative control over military and religious courts. A three-person panel of military judges heard trials while the military high court and the military supreme court heard appeals. Some civilians criticized the short length of prison sentences imposed by military courts. TNI legal officials noted that all personnel sentenced to terms of three months or longer, regardless of their record or length of service, were discharged from military

service.

Four district courts adjudicated cases of gross human rights violations. The law provides for each court to have five members, including three non-career human rights judges, who are appointed to five-year terms. Verdicts can be appealed to the standing high court and the Supreme Court. The law provides for internationally recognized definitions of genocide, crimes against humanity, and command responsibility, but it does not include war crimes as a gross violation of human rights.

In September 2005, in its first verdict, the country's first permanent human rights court in Makassar, South Sulawesi, found that the police attacks in 2000 against almost 100 victims in Abepura, Papua, were not "crimes against humanity" (see section 2.b.). The court dismissed all charges against Brimob Brigadier General Johny Wainal Usman and South Sulawesi Police High Commissioner Daud Sihombing. The court also denied the victims' request for rehabilitation and compensation. Prosecutors appealed the verdict to the Supreme Court, which had not issued a decision by year's end (see section 1.a.).

On March 13, the Supreme Court acquitted Noer Muis of all charges and sentenced Eurico Guterres to 10 years in jail for charges in connection with atrocities that occurred during 1999 in three East Timor locations: Liquica, Dili, and Suai. Of the 18 original defendants, only Guterres received a jail sentence. Guterres filed for a judicial review and the hearing was held on October 2. At year's end no decision had been issued. Six of the 18 originally were convicted at the trial level. In 2004 the Jakarta High Court overturned four of the sentences. Later in 2004 the Supreme Court acquitted a fifth.

By 2005 East Timor's Serious Crimes Unit had indicted a total of 391 individuals for crimes against humanity committed during and after the 1999 referendum; however, 290 of these individuals remained at large with little chance of being returned to East Timor to stand trial. The UN sent a Commission of Experts to Indonesia in 2005 to evaluate the Indonesian ad hoc tribunal and the Serious Crimes Unit and to recommend next steps for achieving accountability. The commission recommended that either Indonesia retry the perpetrators of violence within six months or that the cases be tried before an international tribunal. The commission also included the possibility of an exceptional International Criminal Court investigation (that would extend the court's jurisdiction to crimes committed before its establishment) if its recommendations were not implemented.

In August 2005 Indonesia and East Timor established the TFC to address the human rights violations that occurred in East Timor in 1999. The mandate of the TFC has been extended to August 2007.

In January and February, the Supreme Court acquitted Captain Sutrisno Mascung, retired army major general Pranowo, and 10 subordinates of all charges stemming from the 1984 Tanjung Priok incident, in which dozens and perhaps hundreds of persons were shot and killed. The court held that the Tanjung Priok incident was a criminal case, not a human rights one. In 2003 the ad hoc human rights tribunal for the 1984 Tanjung Priok incident heard the cases of 16 defendants, including Pranowo; retired army major general Rudolf Adolf Butar-Butar; army major general Sriyanto Muntrasan, the commander of Army Special Forces; and other lower ranked military officers and enlisted personnel under the command of Captain Sutrisno Mascung. All of the defendants faced charges of crimes against humanity. The tribunal sentenced Butar-Butar to 10 years in prison and found 13 others guilty and sentenced them to two or three years in jail. The prosecutors had requested 10-year sentences. The court found Pranowo and Muntrasan not guilty. In July 2005 the high court overturned all 14 convictions and upheld the lower court's finding that Pranowo and Muntrasan were not guilty as well.

In 2004 Supreme Court Chief Justice Bagir Manan inaugurated the first Shari'a courts in Aceh. Under the system, 19 district religious courts and one court of appeals heard cases. The courts heard only cases involving Muslims and used decrees formulated by the Aceh local government rather than the penal code. In 2003 the provincial legislature passed laws that included caning among the punishments that the Shari'a court may administer as punishment for persons found guilty of gambling, drinking, or being alone with a non-related member of the opposite sex (see sections 1.c. and 2.c.).

Political Prisoners and Detainees In accordance with the 2005 Helsinki Memorandum of Understanding (MOU) between the Government of Indonesia and GAM, the government unconditionally released prisoners and detainees held due to the Aceh conflict. The government facilitated reintegration of released prisoners, which proceeded without violence. The government continued to hold a relatively small number of former GAM personnel whom it maintained had been convicted on criminal charges.

Civil Judicial Procedures and Remedies

Widespread corruption exists at all levels of the civil legal system. Bribes, extortion, and political considerations influenced the outcomes in large numbers of civil cases.

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

On December 8, the Constitutional Court ruled that the Truth and Reconciliation Commission (TRC) created in 2004 by the DPR was unconstitutional (see section 4). The Constitutional Court chief justice stated that the government's lack of progress in appointing the TRC's members was one factor in its decision.

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

The law requires judicial warrants for searches except for cases involving subversion, economic crimes, and corruption. The law also provides for searches without warrants when circumstances are "urgent and compelling." Security officials occasionally broke into homes and offices. The authorities occasionally conducted 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 at special lanes set aside at airports for returning workers. Under the special autonomy arrangement in Aceh, Shari'a courts and police have been established to enforce locally drafted laws which ban Muslims from, among other things, drinking alcohol, gambling, and being in close proximity to a member of the opposite sex to whom one is not a close blood relation. The special police charged with upholding Shari'a conducted warrantless searches during the year.

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

Members of the six religions officially recognized by the government--Islam, Protestantism, Catholicism, Hinduism, Buddhism and Confucianism--had little or no trouble obtaining identification cards. On February 24, the government issued a decree officially recognizing Confucianism, and Confucians are now able to get KTPs which list Confucianism as their religion (see section 2.c.). Members of unrecognized religious groups such as the Sikhs or Baha'is remained unable to obtain KTPs unless they consented to listing themselves as belonging to one of the officially recognized religions. Also, low-level officials and village heads responsible for issuing KTPs often demanded small bribes or made the process very cumbersome, which made it difficult for disadvantaged groups such as itinerant workers, the poor, religious minorities, and the homeless to obtain KTPs.

In many parts of the country, particularly in Kalimantan and Papua, local residents believed that the government sponsored transmigration program interfered with their traditional ways of life, land usage, and economic opportunities. No new families have transmigrated under government auspices since 2004. The government continued to support at least 71,748 households moved in previous years from overpopulated areas to 361 isolated and less developed areas in 26 provinces.

The government used its authority, and at times intimidation, to appropriate land for development projects, often without fair compensation. In other cases, state-owned companies were accused of endangering resources upon which citizens' livelihood depended. In May 2005 President Yudhoyono signed a decree on land acquisition for public use, which allows the government to acquire land for public 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.

Land disputes generated charges of unfair evictions and the use of excessive force by security officials. The NGO Jakarta Residents Forum estimated that security officials evicted at least 6,000 persons in 13 areas during the year compared with 5,000 in 2005.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press The constitution and the law provide for freedom of speech and freedom of the press; however, the government at times restricted these rights in practice. A vigorous, independent media operated in the country and generally expressed a wide variety of views without restriction. During the year trials were held for two men charged with criminal defamation for "insulting the president," but in December the Constitutional Court ruled these articles of the criminal code unconstitutional. At least three persons were arrested for raising separatist flags. In addition, politicians and powerful businessmen often filed criminal or civil complaints against journalists whose articles they found insulting or offensive. During the year some journalists faced threats or violence.

During the year there was a vigorous debate over proposed revisions to the criminal code. Among the more controversial provisions were ones that would protect government officials and the state ideology (Pancasila) from defamation and would criminalize pornography and certain acts deemed pornographic. The revisions were still under debate at year's end.

Three chief editors were charged with the crime of publicly expressing or inciting animosity and defamation towards Islam after they published controversial Danish cartoons of the Prophet Mohammad. However, only Teguh Santosa, editor of the news Web site Rakyat Merdeka Online, was brought to court. On September 20, the South Jakarta District Court dismissed the charges against Santosa saying the prosecution had used an improper legal argument against him. The judges accepted the defense lawyers' argument that journalists should not be tried under the criminal code, but rather under the press law.

On June 28, police arrested student activist Fahrur Rahman for burning pictures of the president and vice president in a student demonstration. On October 30, Rahman was convicted and sentenced to three months in jail. On August 3, the North Jakarta district court tried lawyer Eggi Sudjana on charges of defamation for criticizing the president for allegedly accepting gifts of luxury cars for his son and three of his aides from a businessman. Sudjana asked the Constitutional Court to review the two provisions of the criminal code which criminalize defamation of the president and vice president. On December 7, the Constitutional Court declared the two provisions unconstitutional.

On April 28, police arrested Popy Egenderph, Jhon Sahureka, and Dominggus Saranamual for their involvement in raising the separatist South Maluku Republic flag in the Kudamati area. Popy had been the target of police investigation since 2004 because of her involvement in coordinating such actions as a flag-raising in front of the residence of Maluku Sovereignty Front (FKM) leader Alex Manuputy in 2004. Police were also investigating the involvement of Sahureka and Saranamual in the FKM.

Although the government did not formally restrict foreign journalists from traveling to the provinces of Papua and West Irian Jaya, as a matter of practice the government expected journalists to request permission through the foreign ministry or, if abroad, through the nearest Indonesian embassy. The government approved some requests and denied others. Some journalists traveled to Papua without specific government permission. There were no reports of restrictions on journalists traveling to previous areas of conflict in Aceh, Maluku, North Maluku, and Sulawesi.

Journalists faced violence and intimidation from police, soldiers, government officials, rebels, thugs, students, and ordinary citizens. During the year the Alliance of Independent Journalists (AJI) recorded at least 53 acts of violence against journalists, including physical attacks as well as verbal threats and lawsuits. One journalist was murdered, four faced lawsuits, 17 were threatened, and 31 were attacked. AJI found the most dangerous provinces for journalists were Jakarta (16 cases of violence), East Java (seven cases), and West Java (six cases). Mobs and thugs committed 15 acts of violence, government officials (district heads, regents, governors, ministerial staff) and the police were each responsible for seven.

On April 29, freelance reporter Herliyanto was found dead with numerous stab wounds to his head, neck, stomach, and back in a teak plantation near Tarokan village, East Java. Herliyanto was investigating corruption allegations involving school construction funds in Tulupari village. Police ruled out robbery as a motive but did not say publicly whether the killing was linked to his reporting.

On June 13, unknown persons attacked a group of journalists from Jakarta who were on assignment in Kutai Kertanegara, East Kalimantan. The journalists were invited by the governor to cover preparations for the 2008 National Sports Week. Police arrested 10 attackers. Several were known delinquents and one was a tribal leader from the Kutai Kertanegara Forestry Service.

On several occasions during the year, an extremist group, the Islamic Defenders' Front (FPI), sought to limit freedom of expression through intimidation. In April the country's first edition of Playboy magazine was published and sparked protests although it contained no nudity. The police charged four models and the chief editor of the magazine in a lawsuit filed by FPI and a group called the Indonesian Anti-Piracy and Pornography Society. The editor's trial began in December and continued through year's end. On April 12, approximately 300 FPI activists attacked the building housing the magazine's office, causing damage and injuring two police officers. They demanded that the magazine cease publication. The police arrested three of the FPI members. The publisher moved the magazine's operations from Jakarta to Bali.

On February 9, the Supreme Court overturned Tempo magazine chief editor Bambang Harymurti's 2004 criminal defamation conviction in a case stemming from an article that suggested that prominent businessman Tomy Winata stood to benefit from a fire that destroyed a Jakarta market. In overturning the conviction, the Supreme Court ruled that the press law should be used in defamation cases against journalists instead of the criminal law.

During the year the government took no legal action against any person responsible for crimes committed against journalists in 2004 and 2005.

In 2002 the government enacted a broadcasting law that established an impartial broadcasting commission (KPI) and designated the state as the sole authority to issue broadcasting licenses. In November 2005 the government issued four implementing regulations banning live broadcast of regularly scheduled foreign programs by domestic carriers and giving the broadcast licensing authority to the Ministry of Communications and Information. Although some stations continued to air live broadcasts of foreign news reports, others delayed them to comply with the law. The 2002 law does not specify whether the ministry or the KPI controls issuance of broadcast licenses, so broadcasters continued to apply to both. In May both KPI and a coalition of NGOs separately requested that the Supreme Court review the 2005 implementing regulations, arguing they infringe on media freedom. At year's end the Supreme Court had not issued a decision in either case.

Despite incidents of violence and intimidation of the press, members of the press continued aggressive reporting on such issues as corruption, the Munir murder case, and environmental degradation. Regional media increasingly prospered. In addition, moderate Islamic publications continued to increase in number and popularity. Internet Freedom

In November, the Ministry of Information issued a decree creating an agency aimed at preventing online crime among local users. Under the decree, Internet cafes are required to provide the identities of Internet users to the agency on a monthly basis. The Ministry of Communication and Information denied that this agency would monitor online content. Human rights NGOs formed a team to monitor implementation of the decree.

Academic Freedom and Cultural Events

The March 16 Abepura incident, in which three police officers and an air force noncommissioned officer were killed, occurred near Cendrawasih University. In the aftermath police swept the dormitories in search of suspects. Many students reportedly fled the university, and it was forced to close for 10 days.

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

In December the Jakarta film festival showed the documentary film A Hero's Journey about East Timor President and former Indonesian prisoner Xanana Gusmao. Media coverage of the film was limited. The Film Censorship Institute reportedly prevented the planned showing of three other films at the festival, all of which touched upon politically sensitive topics: East Timor, the 2002 Bali bombing, and the Aceh conflict.

In July the women's chapter of FPI, the Mujahidah FPI, claimed that Miss Indonesia's participation in the Miss Universe contest violated an education minister's decree forbidding the holding of beauty contests. FPI also reported members of the Miss Indonesia Foundation to the police for their involvement in sending Miss Indonesia to the contest. Although the case remained open, no charges had been filed at year's end.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right; however, the government restricted this right in conflict areas. 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.

Although the Papua Special Autonomy Law permits flying a flag symbolizing Papua's cultural identity, on January 28, police arrested Jacob Mamori for hoisting the Papuan Morning Star Flag. Soon after he was described as being mentally deranged and was released. On May 11, police refused permission for a May 12 seminar at Cendrawasih University on the topic "the demand for Freeport closure."

There were instances when police showed notable restraint in dealing with violent demonstrations. For example, on March 16 in Abepura, approximately 150 demonstrators, including students from Cendrawasih University, blocked off roads for two days in front of the university demanding the closure of the foreign-owned Freeport mine in Timika. Demonstrators and students attacked the police and, with large rocks, beat to death three police officers and one member of the air force. In response, police used tear gas and fired rubber bullets at the crowd (see sections 1.a., 1.d., and 1.e.).

On May 3, the police used tear gas and water cannons in confronting labor demonstrators who had torn down the gates to the parliament compound, set fire to tires, and thrown stones at the police (see section 6.b.).

On other occasions police took no action to protect persons being attacked by mobs. On February 4, a mob in West Lombok attacked the houses of Ahmadiyah sect members, destroying 27 houses and leaving 137 people homeless. On March 17, a mob in Central Lombok attacked another Ahmadiyah settlement, destroying 45 homes. In each incident, police received information that an attack was imminent, but took no action to prevent it. In July a mob ransacked an Ahmadiyah mosque in Bogor, West Java (see section 2.c.).

Freedom of Association

The law provides for freedom of association, and the government generally respected it in practice. The Communist Party was banned in 1966.

c. Freedom of Religion

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

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

Persons whose religion was not one of the six officially recognized faiths, as well as persons of Chinese descent, had difficulty obtaining a KTP, which was necessary to register marriages, births, and divorces. Several NGOs and religious advocacy groups urged the government to delete the religion category from the KTPs, but the DPR passed legislation in December retaining it (see section 1.f.). Men and women of different religions experienced difficulties in marrying and in registering marriages. The government refused to register a marriage unless a religious marriage ceremony had taken place. However, very few religious officials were willing to take part in a wedding involving a man and woman of different faiths. For this reason, some brides and grooms converted to their partner's religion. Others resorted to traveling overseas to wed. In July 2005 the Indonesian Council of Ulemas (MUI) reaffirmed its 1980 ban on marriages between persons of different faiths. MUI edicts are influential but do not have legal standing.

On March 21, the ministers of religious affairs and home affairs signed a joint ministerial decree on the establishment of houses of worship, which replaced a 1969 joint ministerial decree, and declares that a permit for a house of worship can be issued if it is petitioned in a signed statement by at least 90 congregation members and 60 other community members. The petition must then be approved by both the local head of the Religious Affairs Department and the local office of the Communication Forum for Religious Harmony. The joint ministerial decree was in part a response to attacks on unregistered houses of worship. The decree was intended to make it easier to open houses of worship by reducing the number of other community members who must sign the petition. Some groups criticized the new rules for retaining the requirement that community members consent to establishment of houses of worship. These groups also noted that the high number of congregation members required to sign the petition limited the ability of small congregations to register and to exercise their constitutional right to freedom of worship.

In Central Sulawesi and Maluku, NGOs worked closely with religious leaders and the local community to promote mutual respect and

cooperation among religions. Muslim and Christian groups in Poso/Palu were communicating better and interacting more intensively.

In March in Bulukumba, South Sulawesi, approximately 100 members of the militant Islamic group Laskar Jundullah ransacked an office/house of two foreign university lecturers/linguists, accusing the two long-term residents of translating the Bible into the local dialect and demanding the two leave the country for allegedly trying to convert residents to Christianity. The local police dispersed the crowd, after allowing them to "search" the couple's house.

In September 2005 a court in West Java sentenced three women to three years in prison each for proselytizing based on their inclusion of Muslim children, albeit with parental permission, in Christian Sunday school activities. On February 7, the Supreme Court denied their appeal. In November 2005 a non-Indonesian and a citizen working on a dam project in Madura were arrested following accusations that they were trying to corrupt the Muslim community. On March 29, the non-Indonesian was found guilty of misusing his visa and sentenced to four months in jail. After serving his sentence, he was deported. The citizen was sentenced to 2½ years in jail.

During the year the government took no concrete steps to implement controversial provisions of the education law that require schools to provide religious instruction to students in their own faith.

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

According to the Indonesian Women's Coalition, more than 56 Shari'a-based local laws have been issued throughout Indonesia. These include laws requiring that women wear headscarves in public, that village heads be able to read the Koran (in Arabic), and that prohibit drinking alcohol and gambling.

In Aceh, in accordance with Aceh's special autonomy arrangement, the government continued to establish Shari'a courts, which heard only cases involving Muslims and did not enforce the national penal code but rather qanuns, decrees formulated by the Aceh government and approved by the provincial legislature. The qanuns cover such "immoral behavior" as extramarital contact between a man and woman, gambling, and the production, distribution, or consumption of alcohol. Extramarital contact warrants from three to nine lashes, consumption of alcohol 40 lashes, and gambling six to 12 lashes. During the year a total of 15 persons were caned.

Members of the Banda Aceh Shari'a office, supported by local police, enforced headscarf use by Muslim women. In a series of December sweeps, Aceh's Shari'a police raided more than 30 beauty salons for allowing "improper contact" between men and women that, they alleged, could lead to adultery. The police also arrested local women for not wearing headscarves.

Courts sentenced several persons to jail for insulting Islam.

On May 17, the Palu District Court sentenced eight followers of Madi, a fugitive sect leader, to nine months in jail for their involvement in a October 2005 clash that left five dead, including three police officers. Two other suspects were acquitted of all charges.

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

Societal Abuses and Discrimination

The Ahmadiyah Islamic sect, considered heretical by many mainstream Muslims, was attacked by mobs on several occasions, sometimes with elements of the authorities assisting the attackers or acquiescing in the attack. The government has not sought to punish the perpetrators of these attacks (see section 2.b.). At year's end the Ahmadiyah compound in Bogor, West Java, which was attacked and damaged in July 2005, remained sealed, although Ahmadiyah members were able to use the office facilities in a limited fashion.

On February 4, between 500 and 1,000 local residents attacked an Ahmadiyah housing complex in Gegerungan, injuring six persons and destroying all 25 homes. The 137 residents were forced to take shelter in an internally displaced persons (IDP) camp in Mataram, the Lombok provincial capital. The village head informed police of the impending attack but the police were unable or unwilling to stop the violence. Police arrested three participants in the violence after the situation calmed, but they were subsequently released and no further action was taken. An alleged provocateur of the violence was also later arrested, but was released when an angry crowd showed up at the police station holding him. No one has been charged with any crime in the incident.

On March 17, members of the Anti-Ahmadiyah Alliance destroyed homes of Ahmadiyah members in Prapen, Central Lombok Regency, causing the evacuation of 45 people to the Ahmadiyah IDP camp in Mataram. There were no arrests after this attack.

At year's end 182 Ahmadiyah members were living as IDPs in government barracks in Mataram. Police would not allow them to return and rebuild their homes until the local government decided what to do about them. Local political and religious leaders blamed the Ahmadiyah's plight on their unwillingness to "return to the flock" of mainstream Islam.

On February 15, the Regent of Bulukumba closed the Ahmadiyah mosque in Ujung Loe district of Bulukumba Regency, South Sulawesi. Hundreds of persons demanded that Ahmadiyah followers leave the village.

On April 29, dozens of unidentified people vandalized the Ahmadiyah mosque in Ranowila, South Sulawesi Province, while Ahmadiyah followers were commemorating the Prophet Mohammad's birthday. No injuries or arrests were reported.

On October 24, a group attacked a mosque belonging to the Ahmadiyah sect in Buton regency, South Sulawesi, while the group was performing Idul Fitri prayers. Buton police prevented the attackers from setting the mosque on fire and evacuated members of the sect. No arrests were made.

On October 25, followers of Ahmadiyah clashed with local community members in Manislor, West Java, causing damage to the Ahmadiyah mosque and the house of a local resident. No arrests were made.

On October 27, a mob in Bogor, West Java, dragged Muslim cleric Alih bin Hadi from his mosque and beat him to death. Members of the local community had contended for some time that Alih, who was a member of a group called Yayasan Karisma Usada Mustika, was delivering heretical sermons; the MUI was also looking into charges of heresy. In December 2005, Alih agreed to leave Bogor and stop preaching but returned to Bogor during the fall of this year. At year's end an investigation was ongoing.

Religiously motivated violence and vigilante acts in Central Sulawesi, Maluku, and North Maluku occurred less frequently than in previous years. However, Central Sulawesi continued to experience sporadic bombings, shootings, and other violence in spite of broad societal support for security restoration and reconciliation. During the year the police withdrew some forces from areas of the Poso Regency, bombing and other attacks increased in an apparent effort to provoke renewed intercommunal violence. On March 22, a small bomb exploded in front of the Poso Nursing Academy causing no injuries. Another detonated in the empty Eklesia church in Poso on July 1. An explosion took place in front of the residence of the Poso police chief on August 3. On October 16, an unidentified gunman shot and killed Reverend Irianto Kongkoli in Palu, Central Sulawesi (see section 1.a.).

The indigenous Jewish population is small. Sabili, a radical Islamic publication and the country's second largest magazine by circulation, regularly published articles with anti-Semitic statements and themes. During the year a commercial company, Trustco Multimedia, circulated an interactive computer disk (cd) with material on the Prosperous Justice Party (PKS), which included a "game" entitled "Shoot the Jews." PKS denied any connection with the cd and requested Trustco Multimedia remove it from circulation.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The constitution allows the government to prevent persons from entering or leaving the country, and sometimes the government restricted freedom of movement. 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 continued to restrict freedom of movement for foreigners through a system of "travel letters," required for Papua. Enforcement was inconsistent. In June two foreign citizens were detained and deported for misusing their tourist visas to attend a meeting of a local tribal group in Papua Province. Under the 2005 Helsinki MOU between the government and GAM, special national identity cards for Acehnese were no longer issued. However, at year's end many Acehnese continued to use Aceh-specific identity cards, as the government had not yet issued national identity cards in all parts of the province.

The government prevented at least 1,167 persons from leaving the country during the year. The AGO and the High Prosecutor's office prevented most of these departures. Some of those barred from leaving were delinquent taxpayers, convicted or indicted persons, and persons otherwise involved in legal disputes.

On April 19, a noncitizen was barred from entering the country. The individual had been detained by the authorities in 2005 for illegally entering Aceh, and was jailed and deported in 2003 for associating with Acehnese rebels. On September 14, five foreign journalists were deported from Jayapura, Papua, for not possessing appropriate permission to cover news in the area. The five journalists came to Jayapura as tourists but then allegedly engaged in journalistic activities without the permission of the Foreign Ministry.

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

Internally Displaced Persons (IDPs)

The Internal Displacement Monitoring Center (IDMC) reported that there were between 200,000 and 350,000 IDPs in the country, between 140,000 and 150,000 of whom were in Aceh, almost all the result of the 2004 tsunami. Some of the Aceh IDPs lived in temporary shelters, while others stayed with host families or were integrated into local communities.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. However, in practice, there were no reports of the forced return of persons to a country where they feared persecution. The government cooperated with the UN High Commissioner for Refugees (UNHCR), which maintained an office in Jakarta, for assisting refugees and asylum seekers. At year's end

there were 61 UNHCR recognized refugees and 265 asylum seekers living in the country. Some were applicants and others were dependents. Most were from Iraq, Burma, Nigeria, or Sri Lanka.

The above figures do not include approximately 10,000 former refugees from East Timor who resided in West Timor at year's end, according to the UNHCR and the National Coordinating Board for Disaster and the IDMC. The precise number of East Timorese refugees is a matter of debate; the East Nusa Tenggara Governor cited a figure of 104,436 individuals remaining in West Timor.

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. The security forces lost their appointed DPR seats in October 2004 with the inauguration of the new legislature. DPR members automatically are members of the People's Consultative Assembly (MPR), which until October 2004 included regional and government appointed representatives. In October 2004 the MPR became a fully elected body consisting of the 550 DPR members and the 128 members of the DPD.

Elections and Political Participation

Domestic and international observers monitored peaceful, first-ever, direct local elections to choose provincial- and district level executives beginning in June 2005. During the year the government held 54 local elections: six for governor, seven for mayor, and 41 for regent. Observers generally perceived the local elections as free and fair and, with a few exceptions, without incident affecting the outcome.

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

In 2004 President Yudhoyono became the country's first directly elected president. Domestic and international observers monitored the legislative and presidential elections, organized by an independent election commission, and considered the elections free and fair. The national elections featured high voter turnouts, an absence of any notable violence, and broad public acceptance of the results.

All adult citizens are eligible to vote except 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.

There were no legal restrictions on the role of women in politics. During the year women held four of 36 cabinet seats. The current election law includes a nonbinding call for parties to select women for at least 30 percent of the candidate slots on their party lists. In the 2004 elections, 61 women were elected to the 550-seat DPR, an increase from 1999, when 44 women held seats in the 500-seat DPR. In the DPD, 27 of the 128 members were women. During the year a woman was elected governor of Banten Province; and women won six district chief positions in local elections, raising the total number of female district chiefs to 18. Women are greatly underrepresented in local government in some provinces; for example, in Aceh the highest positions held by women are two deputy mayor and deputy regent positions.

With the exception of Aceh Province, where non-Muslims are effectively blocked from political office by a requirement that all candidates must demonstrate their ability to read the Koran in Arabic, there were no legal restrictions on the role of minorities in politics. There were no official statistics on the ethnic backgrounds of legislators in the DPR. President Yudhoyono's cabinet consisted of a plurality of Javanese, with others being of Sundanese, Bugis, Batak, Acehnese, Papuan, Balinese, Arab, and Chinese heritage. The authorities swore in a directly elected governor for West Irian Jaya on July 24, and for Papua Province on July 26.

On December 11, Aceh held its first direct elections for regents, mayors, and governor since the 2005 peace accord. Domestic and international observers judged the elections to be free and fair. A former GAM field commander won the gubernatorial election and GAM-affiliated candidates won positions in six local and district governments.

Government Corruption and Transparency

There was a widespread domestic and international perception that corruption was a part of daily life. Soon after taking office, the president established the Corruption Eradication Commission, giving it a broad investigative mandate. On February 7, former minister of religion Said Agil Hussein Munawar was sentenced for illegally spending approximately \$78.7 million (709 billion rupiah) entrusted to his ministry by Muslims wanting to perform the pilgrimage to Mecca. The Supreme Court reaffirmed the decision in August. On August 25, Theodorus F. Toemion, former chief of the National Investment Board, was sentenced to six years in prison and fined \$33,300 (300 million rupiah) for embezzling \$3.3 million (3 billion rupiah). On November 30, former minister of oceans and fisheries Rokhmin Dahuri was detained in connection with an investigation into his management of an off-budget fund.

The AJI reported no problems for the media in obtaining unclassified public documents from the government.

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

The government met with local NGOs, responded to their inquiries, and took some actions in response to NGO concerns. Following the 2004 murder of human rights activist Munir, the president formed a fact-finding team (TPF) consisting of leading members of the NGO community,

prosecutors, and a senior police officer. However, the president did not release the TPF's report, which, according to press reports, called for the investigation of former and active officials of the State Intelligence Agency in connection with Munir's death (see section 1.a.). After Polycarpus's murder conviction for Munir's killing was overturned in October (see section 1.a.), the police reconstituted an investigatory team. The chief of the national police stated that police were continuing to pursue leads in the case.

Domestic human rights organizations were subjected to monitoring, harassment, and interference by the government; however, they actively advocated improvements to the government's human rights performance. Including the October reversal of Polycarpus' conviction for Munir's murder, Komnas HAM reported that since 2000, 14 human rights activists had been killed, and no perpetrators had been brought to justice. There were no reports of human rights activists killed since 2004.

NGOs in Papua reported 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.

There were no reports of government interference with the large number of international and domestic NGOs in Aceh to help with the relief and reconstruction following the 2004 earthquake and tsunami, and human rights organizations had full access to the province.

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, and Komnas HAM. However, 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 2003 a Jakarta court refused to subpoena former and active military officers who had ignored Komnas HAM summonses to face questioning about 1998 riots, which claimed more than 1,200 lives. In June 2005 the TNI stated it could not cooperate with attempts by Komnas HAM to summon retired and active-duty generals to answer questions about the abduction of pro-democracy activists between 1997 and 1998. The TNI insisted that Komnas HAM first obtain permission from the DPR (see section 1.b.). By law, severe human rights violations that occurred before 2000 could be investigated only by an ad hoc human rights courts, not Komnas HAM. Such a court could be formed only by a decision of the DPR, but for the DPR to know enough about an incident to approve the formation of a court, a thorough investigation was necessary. The resulting stalemate continued to block progress toward accountability. In June Komnas HAM asked the attorney general for permission to visit places where the victims were taken during the abduction. In July Komnas HAM also wrote to the Central Jakarta District Court to summon retired and active-duty generals for questioning. These efforts apparently were fruitless, and the Komnas HAM team that worked on this issue from October 2005 was disbanded in September.

In 2005 the government, in cooperation with East Timor, formed a bilateral Truth and Friendship Commission (see section 1.e.) to investigate alleged human rights abuses that occurred in East Timor.

In 2004 the DPR passed legislation to establish a TRC to investigate human rights violations before making recommendations to the president regarding amnesty for abusers and rehabilitation for their victims. The TRC was empowered to recommend amnesty for a confessed violator, even without the victim's consent. The law also stipulated that cases resolved by the commission could not later be filed in a human rights court. Human rights activists filed an appeal with the Constitutional Court, questioning the constitutionality of two articles: a provision permitting payment of compensation before a finding of guilt and the prohibition on TRC cases being filed in human rights courts. On December 8, the Constitutional Court ruled the entire TRC act unconstitutional. The Constitutional Court chief justice stated that the government's lack of progress in selecting the 21 TRC members factored into its decision.

The Law on the Government of Aceh promulgated in August states that a Human Rights Court will be established in Aceh within one year and that the judgments passed by the Human Rights Court may prescribe compensation, restitution, and rehabilitation for the victims of human rights violations.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

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

Violence against women remained poorly documented. Nationwide figures were unavailable. The National Commission for Women's Rights reported that in 2005 (the most recent statistics available) there were 20,931 cases of violence handled by 215 NGOs in 29 provinces, and the local press reported that violence against women continued to increase. In East Java incidents of violence against women continued to increase both in number and severity. The East Java Integrated Service Center recorded 213 cases of violence against women and children in the first half of the year, compared with approximately 300 cases of violence against women and children in all of 2005. Most East Java NGOs working on women and children's issues believed the real figure was far higher, noting the tendency of many victims to keep silent. During the year at least 10 cases were prosecuted under the 2004 Domestic Violence Act, with punishments ranging from three to 18 months' imprisonment. Two types of crisis centers were available for abused women: government-run centers in hospitals and NGO centers in the community. Reliable nationwide statistics on the incidence of rape were unavailable. The legal definition of rape is narrow and

excludes some acts that would commonly be treated as rape in other countries, such as marital rape. Sentencing was a problem. Although rape is punishable by four to 12 years in jail, and the government jailed perpetrators for rape and attempted rape, most convicted rapists were sentenced to the minimum or less.

In past years rapes by members of the security forces occurred in Aceh. The TNI did not prosecute any of its personnel for rape.

Nationwide, the police operated more than 200 "special crisis rooms" or "women's desks" where female officers received criminal reports from women and child victims of sexual assault and trafficking, and where victims found temporary shelter. During the year the police opened trafficking victims' rehabilitation recovery centers in Pontianak (West Kalimantan) and Makassar (South Sulawesi).

The legal differentiation between a woman and a girl was not clear. The law sets the minimum marriageable age at 16 for a woman (and 19 for a man), but the Child Protection Law states that persons under age 18 are children. A girl who marries has adult legal status. Girls frequently marry before reaching the age of 16, particularly in rural areas. Female genital mutilation (FGM) was practiced in some parts of the country, including West Java. Complications reportedly were minimal. Some NGO activists dismissed any claims of mutilation, saying the ritual as practiced in the country was largely symbolic. In April the Ministry of Health banned FGM by doctors and nurses. However, symbolic female circumcisions that do not involve physical damaging of the child could be carried out and violators of the ban did not face prosecution.

Prostitution is not specifically addressed in the law. However, many officials interpret "crimes against decency/morality" to apply to prostitution. Child prostitution is illegal. While contrary to societal and religious norms, prostitution was widespread and largely tolerated. Security forces reportedly participated in the running of brothels or protection rackets, which shielded brothels from prosecution. International sex tourism took place, especially on the islands of Batam and Karimun, both near Singapore.

Although it is not explicitly mentioned, sexual harassment is against the law and is actionable under the criminal code. In the most recent statistics available, the State Ministry of Women's Empowerment said in 2004 that 90 percent of women and 25 percent of men have been victims of sexual harassment in the workplace.

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

Although legal scholars believed that local governments lacked authority to legislate on religious matters, local governments increasingly passed Shari'a-based local laws that some human rights and women's activists believed discriminate against women. The central government has not challenged the validity of these regulations. In 2005 the local government of Tangerang, Banten, issued a local regulation prohibiting women who behave like prostitutes and who are unaccompanied by male relatives, from frequenting public areas in Tangerang after dark. The law also prohibits public displays of affection. Violation of this law is punishable by three months' imprisonment or a maximum fine of \$1,666 (15 million rupiah). Many activists protested the law because of its potential to lead to wrongful arrests of innocent women. On February 27, public order officers arrested the pregnant wife of an elementary school teacher (for suspected prostitution) as she waited unaccompanied for public transportation. She filed a lawsuit against Tangerang Mayor Wahidin Halim for wrongful arrest and defamation of character. On August 29, the Tangerang District Court ruled in favor of the mayor.

Divorce is available to both men and women. Muslims who sought divorce generally turned to the Shari'a-based family court system as a faster and cheaper alternative to the national court system. Non-Muslims obtained divorces through the national court system. Due to prejudicial attitudes, women often faced a heavier evidentiary burden than men, especially in the Shari'a based family court system. Although both Islamic and national courts may award alimony, many divorcees received no alimony, since there was no system to enforce such payments. Men and women both keep the separate property they owned before marriage. If there is no prenuptial agreement, joint property is divided equally. The law requires a divorced woman to wait a certain period of time before remarrying; a man can remarry immediately. On August 1, the president signed a citizenship law to end longstanding discrimination against Chinese-Indonesians and Indonesian women with foreign spouses. Among other things, the law revises the definition of "indigenous Indonesian" to include all citizens who have never assumed foreign citizenship; enables foreign spouses, including males, to seek citizenship after living in the country for five consecutive years or 10 accumulated years; entitles foreign-born spouses to permanent resident status after they reside in the country for a stipulated period of time; and allows a child born to a citizen parent and a foreign parent to maintain dual citizenship until age 18, at which point the child would have to choose citizenship.

During the year the government continued to implement Shari'a in Aceh (see section 2.c.). The most visible impact on women's rights appeared to be the enforcement of dress codes. In Banda Aceh, Shari'a police briefly detained improperly dressed women in the Shari'a enforcement office, where the women were lectured on appropriate attire. In February media reported on a protest against the Shari'a police's humiliation of women in Banda Aceh. In Western Aceh, Shari'a police publicly humiliated women they considered improperly dressed by cutting off their clothes. Local governments and groups in other areas also undertook campaigns to promote conformity by women with the precepts of Shari'a. Some women told reporters that they felt humiliated when detained for dress code violations. In West Sumatra the governor approved a regulation requiring all female civil servants, regardless of religion, to wear headscarves.

Women faced discrimination in the workplace, both in hiring and in gaining fair compensation. In 2003, the latest year for which statistics are available, the International Labor Organization's (ILO) Jakarta office reported that, on average, women's earnings were 68 percent of that of men. According to the government, 41 percent of all civil servants were women but they accounted for less than 7 percent of senior government officials. Some activists said that in manufacturing, employers relegated women to lower-paying, lower-level jobs. Many female factory workers were hired as day laborers instead of as full-time permanent employees, and companies were not required to provide benefits, such as maternity leave, to day laborers. By law, if a couple both worked for a government agency, the couple's head-of-household allowance was given to the husband.

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

Children

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

By law children are required to attend six years of elementary school and three years of junior high school; however, in practice, the government did not enforce these requirements. According to the government's 2004 National Socio-Economic Household Survey, school enrollment rates were 96.1 percent for children ages seven to 12, 79.2 percent for children ages 13 to 15, and 49.8 percent for children ages 16 to 18. Although girls and boys ostensibly received equal educational opportunities, boys were more likely to finish school.

Monthly fees for public schools varied by province and were based on average incomes. Tuition, transportation, and school materials, could cost a family between \$444 and \$777 (four million to seven million rupiah) per year for each primary and secondary student. In June 2005 the ILO conducted a limited child labor survey in areas within five provinces (North Sumatra, East Kalimantan, West Java, East Java and South Sulawesi), which revealed that one in five school-age children from low-income families had no access to education and experienced various kinds of exploitation at work--both in the formal and informal sectors. The survey also found that of 2,438 school-age children below 15 years of age, 19 percent were not attending school. It was unclear how many children were forced to leave school to help support their families. In some remote areas of East Java, lack of nearby school locations contributed to drop out rates as high as 50 percent and led children to seek work. In some areas, parents and watchdog groups complained that corruption among public servants severely undermined the quality of education. The 2004 tsunami and the lingering effects of conflicts continued to disrupt the education of significant numbers of children in the coastal areas of Aceh.

Many children grew up in unhealthy circumstances. Malnutrition remained a serious problem. The country's infant mortality rate remained high. According to Bureau of Statistics data for the year, there were 36 deaths for every thousand live births.

During the year malnutrition continued to be a problem in East Nusa Tenggara Province. More than 17,000 children were believed to be suffering from malnutrition in East Nusa Tenggara as of September, an increase from the 2005 figure of 12,000. As of August, 21 infants had died of acute malnutrition, a decrease from 59 such deaths during the first eight months of 2005.

Child abuse is prohibited by law, but government efforts to combat it generally have been slow and ineffective. NGOs reported that it continued to take excessively long to bring a child rape case to court and that mechanisms for reporting and dealing with child abuse were vague. The East Java Children's Protection Agency (LPA) estimated that the number of cases of physical and sexual violence against children increased during the year. In most cases, the offender was a parent of the victim. Commercial sexual exploitation of children continued to be a serious problem. The number of child prostitutes in the country was unclear; however, a 2004 ILO assessment estimated there were approximately 21,000 child prostitutes on the island of Java. In 2003 a team of NGO and government health officials visited a prostitution complex in Riau Province and estimated that 30 to 40 percent of the 365 female prostitutes there were less than 18 years of age. Many teenage girls were forced into or found themselves caught in debt bondage. At times law enforcement officials treated child prostitutes as criminals rather than victims. Women's rights activists and religious groups accused government officials, particularly police and soldiers, of operating or protecting brothels that employed underage prostitutes. Corrupt civil servants issued identity cards to underage girls, facilitating entry into the sex trade. According to official East Java government statistics, there were approximately 4,000 child prostitutes in East Java, 30 percent of the total number of recorded prostitutes; there were approximately 3,000 child prostitutes in Central Java; and 194 in the city of Yogyakarta. There also were reports of sexual exploitation of boys. During the year NGOs reported that long active pedophile rings continued to operate in Bali, and authorities arrested at least one foreign national and deported another for pedophilia.

There were cases in which employment brokers paid parents advances of future salaries to be earned by their daughters. The child was required to repay the employment brokers. Researchers described a "culture of prostitution" in some parts of the country, where parents encouraged their daughters to work as big city prostitutes and send the proceeds home. NGO observers said many girls were forced into prostitution after failed marriages they had entered into when they were 10 to 14 years of age. There was no obvious violation of the law, because their paperwork identified them as adults due to the fact they were once married. In 2004 the latest year for which data was available, the Ministry of Manpower and Transmigration reported 2.86 million child workers in its national labor survey; however, this was far lower than the figure cited in a 2003 ILO report of 8 million children under 18 doing the work of adults (see section 6.d.).

In East Java, local NGOs reported that the government paid little attention to the rights of juvenile offenders. In Surabaya, juveniles were held in the same detention facilities as adults during pre-trial and trial phases of detention. The only prison for juveniles in Blitar, East Java, is far from the population centers of the province. As of July, there were 126 juveniles in the Blitar prison. According to the LPA, the physical conditions were inhumane. Most juveniles from Surabaya were remanded to Surabaya-area adult facilities. Juveniles frequently experienced abuse while in detention. There were no further developments regarding the July 2005 allegation by four juveniles in the Rungkut area of Surabaya that police injured their knees and legs during an interrogation. The head of the local police denied the accusation. Substantial numbers of street children were apparent in Jakarta and the provinces of East Java, West Java, North Sumatra, and South Sulawesi. Surabaya, in East Java, was home to approximately 8,000 street children, many reportedly susceptible to sexual abuse and violence. Approximately 40 shelters in the province provided services to such children. The Jakarta City government opened a shelter in 2004 with the capacity for approximately 200 children. The government continued to fund other shelters administered by local NGOs and paid for the education of some street children.

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

Trafficking in Persons

Trafficking in persons is illegal under the law; however, the law is not comprehensive in its definition of trafficking. During the year persons were trafficked to, from, and within the country for the purposes of prostitution and forced labor, including instances of debt bondage. Internal trafficking was a significant problem. Although the criminal code lacks an adequate legal definition of trafficking in persons, a variety of laws are applied in cases of trafficking and related offenses. The penal code prohibits trade in women and male minors but is silent on female minors. The Child Protection Act provides for prison sentences of three to 15 years, plus fines for child traffickers. For cases involving underage victims, police and prosecutors used the Child Protection Act, a change from previous reliance on the penal code with its weaker sentencing guidelines. Prior to 2004 judges rarely sentenced traffickers to more than three years in prison; however, during the year sentences for trafficking convictions continued to increase. Judges imposed heavier sentences on child traffickers, with convictions regularly resulting in five- or six-year jail terms.

During the year the government, NGOs, and the media reported that women were trafficked to Malaysia, Japan, the Middle East (including Saudi Arabia and Kuwait), Taiwan, Hong Kong, Singapore, and other destinations. Malaysia was the destination for the greatest number of credibly documented cases of female trafficking victims. An undetermined number of women from China, Thailand, Eastern Europe, and Central Asia were trafficked into the country for sexual exploitation.

Reliable figures were not available on the number of persons trafficked. A 2003 study by the NGO Solidarity Center and the ICMC estimated that between 2.4 and 3.7 million women and children worked in the vulnerable categories of migrant workers, sex workers, and child domestic workers (see section 5, Children). Within these categories, the estimated total number of children ranged from 254,000 to 422,000. These were not estimates of victims but rather of women and children vulnerable to trafficking.

There is little reliable data regarding human trafficking victims in eastern Indonesia. However, the LPA estimated that at least 100,000 women and children would be trafficked from, to, or through East Java during the year. They also believed that the number of trafficking victims increases between 5 and 10 percent per year. The women's division of the country's largest Muslim organization, Nahdlatul Ulama, believed that the number of victims of trafficking in East Java doubles annually. Based on East Java police data, there were 14,896 trafficking victims in East Java from January to July. The Surabaya NGO Abdi Ahsi reported that 3,000 women per year were trafficked from rural East Java to one of the large prostitution areas in Surabaya.

In West Nusa Tenggara Province, 3,336 cases of "overseas worker problems" were referred to the Panca Karsa Foundation (PCF) in Mataram, Lombok, by the victims and their families during the first six months of the year. These cases ranged from workers not receiving the jobs or salaries they were promised, to torture and rape by employers and employment agents. PCF estimated that at least 10,000 to 15,000 persons were trafficked annually by extensive illegal networks operating in the province.

A notable West Nusa Tenggara case occurred in mid-2005 in Krukah subdistrict, East Lombok. Two 12-year-old girls escaped involuntary captivity and were referred to the Mataram Legal Aid Society. They complained that they had given \$320 (3,000 rupiah) to an overseas worker agency that promised the girls jobs as domestic workers abroad. They said that the agents held them captive and raped them. The NGO LBH APIK notified the police, who conducted a raid, which discovered 55 other young girls being held captive under conditions that included rape and torture. The perpetrators were arrested, eventually convicted of defrauding the girls' parents of the placement fees, and sentenced to nine months in prison. Public outrage over this case led the East Lombok government to pass the province's first antitrafficking regulations during the year, empowering local police to combat trafficking more effectively.

The Singkawang District of West Kalimantan remained well known as an area from which poor, ethnic Chinese women and teenage girls between the ages of 14 and 20 were recruited as "mail order" brides for men, primarily in Taiwan but also in Hong Kong and Singapore. In some cases the women were trafficked for sexual exploitation and slave-like servitude. In many cases traffickers recruited girls and women under false pretenses. One tactic was to offer young women in rural areas jobs as waitresses or hotel employees in distant regions, including island resorts. After the new recruits arrived and incurred debts to their recruiters, they learned that they had been hired as prostitutes. In October 2005 Jakarta police arrested two persons for duping at least 51 women with offers to work in Japan as "cultural performers." Once in Japan, the women were exploited as prostitutes. No developments in this case were reported during the year.

Many victims became vulnerable to trafficking during the process of becoming migrant workers. Many unauthorized recruiting agents operated throughout the country and were involved in trafficking to various degrees, and some government-licensed recruiting agents also were implicated in trafficking. Recruiting agents often charged exorbitant fees leading to debt bondage and recruited persons to work illegally overseas, which increased the workers' vulnerability to trafficking and other abuses. According to Solidarity Center, hundreds of Burmese fishermen, apparently forced to work on Thai fishing boats, either escaped or were abandoned in Tual, a small island in Maluku Province, where they lived in difficult conditions. In 2004 immigration officials forcibly deported a number of Burmese fishermen to Thailand via foreign fishing vessels. In 2005 the Burmese Seafarers Union estimated that there were still more than 100 Burmese seafarers living near Tual but did not anticipate further deportations. The Southeast Maluku police and the local Maritime and Fishery Office estimated that there were about 500 Thai and Burmese working as fishermen in Tual during the year.

From January until mid-October, the national police trafficking unit reported investigations of 91 suspects involving 437 victims, compared with 82 suspects and 143 victims for all of 2005. Police have submitted 23 cases to prosecutors and continue to investigate 24 cases, compared with 12 cases submitted in 2005. The AGO created a Transnational Crime Task Force, which began operating in July and which is pursuing 10 trafficking cases. Many of the traffickers are members of well financed crime syndicates. During the year courts convicted 18 traffickers, a slight increase over 2005. According to NGOs, convictions resulted in an average jail sentence of four years, an increase from 2.25 years in 2005.

East Java police demonstrated improved commitment in combating trafficking, resulting in increased numbers of investigations, arrests, and detentions. However, relatively few cases resulted in successful prosecutions. It is unclear whether police were unable to gather sufficient evidence to secure convictions or if corruption of prosecutors and judges interfered with the prosecution of these cases.

On March 13, police officers from Rogojompi precinct, Banyuwangi arrested Lemahbangdewo village head Suwardi for allegedly trafficking two girls from his village. No charges were filed.

In March Jember police arrested Burawi and Santo on suspicion of trafficking a girl from Jember, East Java. In November the Jember district court convicted Burawi and Santo for trafficking and sentenced them to seven and six years in prison, respectively.

On March 22, Surabaya police arrested a couple named Jatimah (alias Yati) and Nur Iman as members of a large human trafficking syndicate in Surabaya. No charges were filed.

In March, Surabaya police arrested Saka Baharuddin, owner of "Wisma Barbara" brothel, on trafficking charges. He was convicted and sentenced to two months in jail. On June 19, Surabaya police again arrested Baharudin, on trafficking charges. In July police forwarded the file of Baharudin to the Surabaya prosecutors' office. On September 6, the prosecutors' office returned the case to the police as incomplete. Police released Baharudin on September 16. No charges were filed.

On May 8, Surabaya police arrested two members of a trafficking syndicate in the city's "Moro Seneng" prostitution complex. They allegedly trafficked 14 juvenile girls for prostitution. Their trial was still pending.

On May 30, Nganjuk police in East Java arrested Sudarwati on human trafficking charges. In September she was convicted of trafficking girls from East Java to East Kutai, East Kalimantan and sentenced to 4½ years in prison. She was the second person convicted under East Java's Child Protection Law.

On July 20, Krembangan police in Surabaya rescued two female trafficking victims and arrested three alleged traffickers, Alexander Go, Yola (alias Candra Asri), and Lisawati.

The basic three-month course that all police officers received did not include training on countertrafficking in persons. During the year international agencies continued to provide police with specific counter-trafficking training. Trafficking falls under the purview of the Criminal Investigation Department, which has a dedicated antitrafficking unit with operational and coordinating responsibilities. During the year 40 officers trained in countertrafficking were assigned to train police nationwide.

Credible sources noted that individual security force members were involved in setting up and protecting brothels. Traffickers and brothel owners reportedly paid protection money to security force members. An NGO survey of trafficking in Papua concluded that military members operated or protected brothels that housed trafficking victims. Apart from police and soldiers, some government officials were complicit in trafficking, particularly in the production of false documents. The prevalence and ease of obtaining fraudulent national identity cards, which could document children as adults, contributed to the trafficking problem. Within society and the government, there was continued reluctance to acknowledge that prostitution was a major problem. During the year the government continued to implement the 2002 07 National Action Plan to counter trafficking of women and children. The Child Protection Act prohibits economic and sexual exploitation of children and also child trafficking. The act specifies severe criminal penalties and jail terms for persons who violate children's rights, including by trafficking in persons. The government, with the help of NGOs, conducted public education efforts on trafficking. In September the Ministry of Women's Empowerment held a series of workshops on debt bondage to raise awareness and develop a coordinated approach to this issue.

During the year the government established a trial program to help trafficking victims reintegrate into society, thereby mitigating the risk of people becoming two-time victims, and opened a trafficking victims' shelter in Batam. Police, prosecutors and judges attended workshops on enforcement of antitrafficking laws, and in some provinces government officials and civil society formed committees to stop trafficking. Prosecutors began identifying trafficking cases as such, a step that will help track success in bringing traffickers to justice. Overall, government and society became increasingly aware of trafficking and the special rehabilitation needs of trafficking victims.

Nevertheless, the government faced several challenges in battling trafficking, including: a limited budget; a lack of awareness of the trafficking issue across a full range of government agencies; uneven collection of data related to trafficking, especially with respect to prosecutions and investigations; and the need for capacity building in the government's ability to report on and collect information about trafficking within the country's borders. International organizations have witnessed collusion by immigration officials with traffickers at transit points, making victims more vulnerable to traffickers at border and transit points.

Domestic NGOs, with international support, led efforts to monitor and prevent trafficking, frequently in coordination with government agencies. These NGOs included the Consortium for Indonesian Migrant Workers Advocacy, LBH-Apik, Women's Aid and Protection Group, Women's Coalition (Koalisi Perempuan), Solidaritas Perempuan, and Pusaka.

National and local assistance to trafficking victims increased compared with previous years but remained small in comparison with the scope of the problem. In general government assistance was modest and focused on citizens trafficked abroad, while domestic assistance was minimal. The government and community groups have a number of shelters in Dumai, Riau Province; Nunukan, East Kalimantan Province; West Kalimantan Province; Jakarta; North Sumatra; and North Sulawesi. The police operated more than 200 women's desks, units established to help women and children who fall victim to violence including trafficking. The women's desks provided temporary shelter, special police handling, and some legal services for victims. The women's desks often cooperated with local NGOs to provide medical and psychological services and longer-term shelter. However, distrust of police discouraged some victims from using these desks. The government's policy is to "treat persons who are trafficked not as criminals but as victims who need help and protection." During the year the

People's Welfare Coordinating Ministry and the Ministry of Women's Empowerment continued to reinforce this policy in public settings and training programs for police and other officials. However, local government and police practice varied, particularly in the lower ranks of law enforcement agencies. Local governments, exercising greater authority under the country's decentralization program, sometimes enacted laws or regulations that tended to treat those trafficked for sexual exploitation as criminals, contrary to national policy. In many instances, government officials and police actively protected and assisted victims. In other cases, police treated victims such as trafficked prostitutes as criminals, subjected them to detention, and took advantage of their vulnerability to demand bribes and sexual services. Police and immigration officials periodically rounded up foreign prostitutes and quickly deported them without any reported screening for potential trafficking victims. The media and lower-level officials, including police, often failed to protect victims' identities and commonly provided victims' names to the public. The government encouraged victims to assist in the investigation and prosecution of traffickers, but victims frequently were reluctant or refused to provide testimony due to shame and fear of retribution against themselves or their families. The new Victim Protection Law was intended to encourage witnesses and victims to come forward with testimony to enable successful prosecutions (see section 1.e.).

During the year the government established an educational pilot program in East Java and East Nusa Tenggara to raise awareness of trafficking among housewives, religious leaders, out-of-school children, and parents.

Persons with Disabilities

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

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

In 2003 the government stated the country was home to 1.3 million children with disabilities, but only 55,000 of them attended school. The actual number of children with disabilities was believed to be much higher. The law provides children with disabilities with the right to an education and rehabilitative treatment. A government official alleged that many parents chose to keep children with disabilities at home; however, many schools refused to accommodate such children, stating they lacked the resources to do so. According to the government, there were 1,234 schools dedicated to educating children with disabilities; 960 of them were run privately. Some young persons with disabilities resorted to begging for a living.

Human rights activists in Surabaya reported that discrimination against persons with disabilities existed in employment and education. In 2004 the Surabaya city government refused a civil service candidate with disabilities claiming that she did not fulfill health requirements. In May 2005 the Surabaya Administrative Court ruled in her favor. City officials appealed to the Supreme Court to uphold their actions. At year's end the case was still pending and the city government had not issued a policy to allow persons with disabilities to apply for civil service jobs.

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

National/Racial/Ethnic Minorities

The government officially promotes racial and ethnic tolerance. Ethnic Chinese accounted for approximately 3 percent of the population, by far the largest nonindigenous minority group, and played a major role in the economy. Instances of discrimination and harassment of ethnic Chinese continued to decline compared with previous years. Recent reforms increased religious and cultural freedoms. However, some ethnic Chinese noted that public servants still discriminated against them when issuing marriage licenses and in other services and often demanded bribes for a citizenship certificate, although such certificates were no longer legally required. An attorney advocate for the rights of ethnic Chinese noted 50 articles of law, regulation, or decree that discriminated against ethnic Chinese citizens. During the year President Yudhoyono revoked a previous presidential decree that required special permits to engage in Chinese cultural and religious celebrations. The new citizenship law explicitly states that an Indonesian citizenship certificate, which ethnic Chinese often had a difficult time obtaining, is not required to establish citizenship. NGOs such as the Indonesia Anti Discrimination Movement urged the government to revoke the remaining discriminatory articles.

The ethnic Chinese community in Surabaya established an anti discrimination organization, Sikad, on September 27, to address discrimination problems faced by ethnic Chinese.

In May hundreds of students threatened to attack Chinese Indonesians in Makassar, South Sulawesi, if the police failed to investigate the death of a maid after she was allegedly tortured by her Chinese-Indonesian employer.

On August 7, dozens of university students held violent protests and threatened to expel ethnic Chinese from Makassar after a Chinese-Indonesian man was accused of attempting to rape his maid. No casualties were reported during the protests. Five students were detained and questioned at Makassar police headquarters following the protest.

There were no reports of overt discrimination against Acehnese outside the province. Some Acehnese continued using a national identity

card specific to Aceh. The 2005 Helsinki MOU between the government and GAM included a provision to issue Acehese standard national identity cards by April. This had not been completed by the end of the year.

Indigenous People

The government views all citizens as "indigenous"; however, it recognizes the existence of several "isolated communities" and their right to participate fully in political and social life. These communities include the myriad Dayak tribes of Kalimantan, families living as sea nomads, and the 312 officially recognized indigenous groups in Papua. During the year indigenous people, most notably in Papua, remained subject to widespread discrimination, and there was little improvement in respect for their traditional land rights. Mining and logging activities, many of them illegal, posed significant social, economic, and logistical problems to indigenous communities. The government failed to prevent domestic and multinational companies, often in collusion with the local military and police, from encroaching on indigenous people's land. In Papua tensions continued between indigenous Papuans and migrants from other provinces, between residents of coastal and inland communities, and among tribes. Some in the indigenous community accused the newcomers of price gouging and condescension, while some newcomers claimed that indigenous Papuans treated them with resentment and suspicion. In Central Kalimantan, relations between indigenous Dayaks and ethnic Madurese transmigrants remained poor in the wake of 2001 interethnic violence. However, between 30,000 and 57,000 displaced ethnic Madurese had returned to Central Kalimantan by the end of 2005. Despite interethnic tensions, local elections were orderly and relatively peaceful. Relations between the two groups also remained poor in West Kalimantan, where former residents of Madurese descent were obstructed in their attempts to reclaim their property.

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

Other Societal Abuses and Discrimination

There was some societal discrimination against persons with HIV/AIDS. Some individuals received prejudicial treatment at medical centers, saw their confidential laboratory results released or had their identity published in a newspaper. In most, if not all such cases, the government failed to take corrective action. In Papua, where the incidence of HIV infection is the highest in the country, community members and even families often stigmatized and ostracized those known to be infected with the virus. However, the government encouraged tolerance, took steps to prevent new infections, and drew up plans to subsidize antiretroviral drugs.

Section 6 Worker Rights

a. The Right of Association

The law provides broad rights of association for workers, and workers exercised these rights. The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and workers did so in practice. The law stipulates that 10 or more workers have the right to form a union, with membership open to all workers, regardless of political affiliation, religion, ethnicity, or gender. Private sector workers are by law free to form worker organizations without prior authorization, and unions may draw up their own constitutions and rules and elect representatives. The Ministry of Manpower and Transmigration (the manpower ministry) records, rather than approves, the formation of a union, federation, or confederation and provides it with a registration number. During the year, some unions reported local manpower ministry offices prejudicially recommended denial of registration. During the year one union federation registered with the manpower ministry, bringing the total number of registered federations to 88. Ministry officials noted that only 64 federations recorded by the ministry had verifiable members. The vast majority of union members belonged to one of three union confederations: the All-Indonesia Trade Union Confederation (KSPSI), the Indonesian Prosperity Trade Union Confederation (KSBSI), and the Indonesian Trade Union Congress. In addition more than 11,000 workplace-level units were registered with the manpower ministry, a drop from the 18,000 reported in 2005, which were based on unions' self-reported data.

According to the government, the country's total labor force consisted of approximately 110 million workers, 42 percent of whom worked in the agricultural and forestry sector. From April to September 2005, the manpower ministry conducted a survey of union membership, the results of which indicated a significantly reduced number of union members compared with previous estimates. In the past, the government had relied upon unions' self-reported membership statistics. The manpower ministry estimated total trade union membership at 3.4 million workers, less than 4 percent of the total workforce. However, this figure of 3.4 million union members is 14 percent of the regular, formal sector workforce of 23.8 million (a category that excludes the self-employed, employers, casual workers, and unpaid workers).

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 of Pancasila or the constitution, or if a union's leaders or members, in the name of the union, commit crimes against the security of the state and are sentenced to at least five years in prison. Once a union is dissolved, its leaders and members may not form another union for at least three years. There were no reports that the government dissolved any unions during the year. The law prohibits anti-union discrimination by employers and others against union organizers and members and provides penalties for violations; however, the government did not effectively enforce the law in many cases. There were frequent, 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.

On May 19, the Supreme Court upheld the decision of the State Administrative High Court and the lower courts that the workers dismissed following an April 2005 strike be reinstated and receive back pay. On July 19, the union and company reached an agreement whereby the company would compensate the workers for back pay and provide a severance payment. In turn the workers renounced their right to be rehired. The workers at a private security firm in Jakarta, Group4/Securicor, went on strike over the firm's plans to reduce benefits following a merger. According to the NGO Solidarity Center, in May 2005, Jakarta police called in for questioning and intimidated four union leaders. The police reportedly explained that they were investigating the union leaders for possible charges of defamation and asked them to identify other workers from photographs taken at a lawful union demonstration in April 2005. The company terminated 200 workers and refused to rehire them, despite a decision by the local manpower officer that the strike was legal and the strikers should be rehired. In October 2005 a labor dispute resolution committee awarded the workers two months' salary.

On March 13, the independent Indonesian Union Federation (IUF) held a mass rally in Surabaya to demand government intervention against anti-union activities at PTPN X, and to ensure inclusion of the federation's locals in collective bargaining at both state-owned complexes, and to reinstate IUF-affiliated Federation of Sugar Plantation and Mill Workers president Daud Sukamto, who was fired from his job at a plantation in Central Lampung in 2005 for "gross misconduct" after recommending that his union reject a management wage proposal during labor negotiations. In June the ILO's Freedom of Association Committee concluded that Sukamto's termination violated the right to conduct legitimate trade union activity and called on the government to reinstate him.

In August Amnesty International called on the government to release six imprisoned trade union leaders, who were arrested following a strike and demonstration at a palm oil plantation in Riau Province in September 2005.

In September the state-owned workers' insurance company, PT Jamsostek, demoted two Jamsostek union members and transferred twelve others in connection with a union vote of no confidence in company management. More than 40 workers at a branch office in Banten staged a demonstration at the company's main office in Jakarta, demanding the cancellation of the demotions and transfers. In October legislators called on the government to end the labor conflict. All the affected workers sued the company seeking reinstatement. At year's end the cases were still pending.

On October 30, KSBISI filed 20 complaints with the manpower ministry on behalf of workers who claimed they had been denied the right to form unions. Many of them had been reportedly dismissed without severance payment or demoted despite their having cases pending in the labor court.

The Industrial Relations Disputes Settlement Act together with the Trade Union Act and the Manpower Act constitute the revised legal basis for industrial relations and worker rights. The Disputes Settlement Act stipulates a system of tripartite labor courts, replacing the previous tripartite committees. The act also outlines settlement procedures through mediation and arbitration. The ILO provided assistance in the development of the law. By the end of 2005, the government had established the new labor courts in all 33 provinces.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference; however, the government often did not protect this right in practice. The law provides for collective bargaining and allows workers' organizations that register with the government to conclude legally binding collective labor agreements (CLAs) with employers and to exercise other trade union functions. The law includes some restrictions on collective bargaining, including a requirement that a union or unions represent more than 50 percent of the company workforce to negotiate a CLA. The Manpower Development and Protection Act (Manpower Act), which regulates collective bargaining, the right to strike, and general employment conditions does not apply to SOEs. Although the law was written with ILO technical assistance, some unions claimed that it contains inadequate severance benefits and protection against arbitrary terminations and does not sufficiently restrict against outsourcing and child labor. The government continued to issue implementing decrees for the Manpower Act.

The government planned to revise the 2003 Labor Law to make Indonesia more competitive and attractive to foreign investors. However, labor unions voiced opposition to the plan, and on May 1, international Labor Day, tens of thousands of workers protested peacefully on the streets of Jakarta and other cities against the proposed revisions, which would have made it easier for employers to hire and fire workers by reducing severance payments and allowing companies to employ workers for up to five years without a contract. On May 3, tens of thousands of workers again took to the streets in opposition to modifying the labor law. The rally turned violent when protesters took down the main gate of the parliament compound, set fire to tires and threw stones at the police. In response, police fired tear gas and water cannons. Police also detained 13 members of the KSPSI. On September 13, the Minister of Manpower and Transmigration announced that the government had dropped its plan to revise the labor law and instead would issue government regulations detailing termination procedures and severance payments for workers to give them more job certainty.

According to the manpower ministry, during the year there were 9,168 CLAs in effect between unions and private companies. Company regulations, allowed for under government regulations, substituted for CLAs in another 36,652 companies, 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. However, the number of such bodies did not increase significantly after passage of the act. All workers, whether or not union members, have the legal right to strike, except for public sector workers and those involved in public safety activities. The law allows workers in these latter categories to carry out strikes if they are arranged so as not to disrupt public interests or endanger public safety. Private sector workers exercised their right to strike, as did those in state enterprises, although the latter did so with less frequency. The large majority of government-recorded strikes involved nonunion workers. Unions or workers' representatives must provide seven days' notice to carry out a legal strike. The law calls for mediation by local manpower ministry officials but does not require government approval of strikes. Workers and employers rarely followed dispute settlement procedures, and workers rarely gave formal notice of the intent to strike because manpower ministry procedures were slow and had little credibility among workers. The number of government-recorded strikes had declined in recent years, from 220 strikes involving more than 97,000 workers in 2002, to 125 strikes involving some 56,082 workers in 2005. During the year, the number of strikes rose to 282 involving 595,783 workers. According to the manpower ministry, the increase was due to protests of the government's proposed labor law reform.

The underpayment or nonpayment of legally required severance packages precipitated strikes and labor protests. The Solidarity Center documented cases in which foreign employers in the garment and footwear industry, faced with falling orders and plant closures, fled the country to avoid making legally required severance payments. Labor activists also reported that factory managers in some locations employed thugs to intimidate and assault trade union members who attempted to organize legal strike actions. At times the police intervened inappropriately and with force in labor matters, usually to protect employers' interests. In April 2005 the national police adopted new guidelines for "handling law and order in industrial disputes," developed with the assistance of the ILO.

On July 31, police shot labor leader Samsir Hasibuan during a labor dispute near Medan at P.T. Cipta Mebelindo Lestari, a furniture manufacturer. According to Hasibuan, police dragged him from his house after the demonstration ended. The police maintained he was shot in front of the factory gate after protesters became violent. According to Medan human rights advocates, police later coerced Hasibuan into signing a document accepting representation by a police-provided attorney by police beating on his injured knee. He and two other labor leaders remained in jail but were allowed to have their own attorney. Other strikers whom the company could identify were all fired.

In September 2005 the management of a palm oil plantation in Riau province, P.T. Musim Mas, fired approximately 700 workers for striking in protest of the termination of nine union leaders. In June the Indonesian Union of Wood and Forestry Workers signed an agreement with the company to provide severance pay to strikers, but the workers were not rehired.

On December 8, Kompas newspaper fired union activist Bambang Wisudo. Kompas claimed that Wisudo was fired on grounds that he refused a transfer to Ambon, but the Association of Independent Journalists stated that he was fired for demanding that the newspaper respect the right of employees to profit-sharing.

There are no special laws or exemptions from regular labor laws in special economic zones (SEZs). However, nongovernmental observers, including the Solidarity Center, described stronger antiunion sentiment and actions by employers in SEZs.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5). 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 (see section 5). According to press reports and research by the Solidarity Center, recruiting agencies frequently kept migrant workers in holding centers for months before sending them abroad. While in the holding centers, migrant workers normally did not receive pay, and recruiters often did not allow them to leave the centers. In most instances, workers were forced to pay recruiters for the cost of their forced stay, which resulted in large debts to the recruiters. During the year the manpower ministry took limited measures to enforce existing labor laws that prevent employment agencies from trafficking workers through debt bondage and thus protect workers against internal and external trafficking. During the year police and manpower ministry officials conducted raids on 32 licensed and six illegal migrant worker holding centers in Jakarta, targeting those that forcibly held prospective workers, both adults and children, some in inhumane conditions. The raids resulted in the release of 3,438 prospective workers, and the arrests of eight suspects. The manpower ministry was unable to provide information on the disposition of 20 arrest cases arising from the raids conducted in 2004 and 2005.

Under a Malaysia-Indonesia agreement, as of June, Indonesians working in Malaysia's informal sector are to be accorded basic labor rights including a monthly minimum wage, a mandatory day off per week, and paid annual leave for a home visit. However, activists stated that the agreement often protects Malaysian employers to the detriment of Indonesian workers.

Forced and compulsory labor by children occurred (see section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children from working in hazardous sectors and the worst forms of child labor, including mining, skin diving, construction, prostitution, and offshore fishing platforms. However, the government did not enforce these laws effectively. Law, regulations, and practice acknowledged that some children must work to supplement family incomes. The Manpower Act prohibits the employment of children, defined as persons under 18, except for those 13 to 15 years of age, who may work no more than three hours per day and only under a number of other conditions, such as parental consent, no work during school hours, and payment of legal wages. The law does not appear to address exceptions for children ages 16 to 17. The law addresses economic and sexual exploitation, including child prostitution, child trafficking, and the involvement of children in the narcotics trade, and provides severe criminal penalties and jail terms for persons who violate children's rights.

The government has a national action plan to eliminate the worst forms of child labor, as well as separate national action plans for combating trafficking and for eliminating the commercial sexual exploitation of children. Child labor remained a serious problem in the country. An estimated six to eight million children exceeded the legal three hour daily work limit, working in agriculture, street vending, mining, construction, prostitution, and other areas. More children worked in the informal than the formal sector. Some children worked in large factories, but their numbers were unknown, largely because documents verifying age could be falsified easily. Children worked in industries such as rattan and wood furniture, garment, footwear, food processing, and toy making, and also in small-scale mining operations. Many girls between 14 and 16 years of age worked as live-in domestic servants. The ILO estimated that there were 2.6 million domestic workers in the country, of whom at least 688,000 were children. According to a 2005 Human Rights Watch report, children between 12 and 15 years of age worked 14 to 18 hours per day, seven days a week from 4 a.m. to 10 p.m. with employers who often subjected them to physical and sexual threats. Many child servants were not allowed to study and were forced to work long hours, received low pay, and generally were unaware of their rights. The law and regulations prohibit bonded labor by children; however, the government was not effective in eliminating forced child labor, which remained a serious problem. A significant number of children worked against their will in prostitution, pornography, begging, drug trafficking, domestic service, and other exploitative situations, including a small number on fishing platforms (see section 5).

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

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

e. Acceptable Conditions of Work

Provincial and district authorities, not the central government, establish minimum wages, which vary by province, district, and sector. Provincial authorities determined provincial minimum wage levels based on proposals by tripartite (workers, employers, and government) provincial wage commissions. The provincial minimum wage rates establish a floor for minimum wages within the province. Local districts set district minimum wages using the provincial levels as references. Districts also set minimum wages in some industrial sectors on an ad hoc basis. Provinces and districts conducted annual minimum wage rate negotiations, which often produced controversy and protests. The minimum wage levels set by most local governments did not provide a worker and family with a decent standard of living. Most province-level minimum wage rates fell below the government's own calculation of basic minimum needs. During the year Aceh offered the highest minimum wage level of approximately \$91 (820 thousand rupiah) per month, while the manpower ministry reported official minimum wages as low as \$43 (390 thousand rupiah) per month in one area.

Local manpower officials are 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 1½ times the normal hourly rate for the first hour and double 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 between sectors and regions. Employer violations of legal requirements were fairly common, resulting in some strikes and protests. The Solidarity Center reported that workers in the garment industry worked extremely long hours but because their pay slips do not specify the amount of overtime paid, workers cannot be certain they are fully compensated for overtime. The manpower ministry continued to urge employers to comply with the law; however, government enforcement and supervision of labor standards were weak. Both law and regulations provide for minimum standards of industrial health and safety. In practice, the country's worker safety record was poor. JAMSOSTEK reported 70,069 accidents in the first nine months of the year, compared with 99,023 for the whole of 2005. 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.