



2008 Human Rights Report: Indonesia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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

The government generally respected the human rights of its citizens and upheld civil liberties. Nonetheless, there were problems during the year in the following areas: killings by security forces; vigilantism; harsh prison conditions; impunity for prison authorities and some other officials; corruption in the judicial system; limitations on free speech; societal abuse and discrimination against religious groups and interference with freedom of religion, sometimes with the complicity of local officials; instances of violence and sexual abuse against women and children; trafficking in persons; child labor; and failure to enforce labor standards and worker rights.

Basic freedoms have expanded since 1999, and during the year the government took significant measures to advance human rights and consolidate democracy including the public trial and sentencing of 13 marines in connection with the May 2007 Alastlogo clash; some prosecutions of high-level officials for corruption; President Yudhoyono's acknowledgement and acceptance of the conclusion and recommendation of the Indonesia/Timor-Leste Commission on Truth and Friendship that Indonesian security forces bore institutional responsibility for 1999 human rights abuses and should undergo enhanced human rights training; and the Supreme Court reinstated the 20-year sentence against Pollycarpus Prianto for the 2004 killing of Munir Said Thalib.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

On February 2, Indonesian Armed Forces (TNI) personnel from the 731 Kabaresi Infantry Battalion attacked Masohi Police Station in Masohi City, Central Maluku, in response to reports that the police had detained a TNI member. Two police officers and one soldier were killed. Ten TNI personnel were questioned following the incident, and the battalion commander was relieved of command. Prosecutors recommended that two members of 731 Kabaresi Infantry Battalion, Syukur Yadhi and Taufik Tamagola, be sentenced to 15 months in prison and that three others be sentenced to 18 months. At year's end a trial was ongoing.

On April 23, forest rangers in Sekidang Forest, Bojonegoro District, East Java, shot at a group of farmers for cutting brush for firewood, killing two and badly injuring a third. The trial for the head of the forestry management unit,

Supriyanto, began on September 2, on charges of torture and murder.

On August 9, Opinus Tabuni, a Papuan man, was shot and killed during a peaceful rally in Wamena. A National Human Rights Commission (Komnas HAM) investigation team and forensic evidence linked the killing to the TNI.

On or about October 17, one of the organizers of a demonstration in Jayapura, Yosia Syet of Sentani, was killed. A hospital autopsy concluded he had died as a result of torture. Security forces were alleged to have killed another Papuan demonstrator, Martinus Grewas, in Sorong.

On May 17, the Padang Military Court in West Sumatra sentenced Lieutenant Colonel Untung Sunanto to four years in prison and dismissed him from the military in connection with the May 2007 killing of Rusman Robert. Sunanto appealed the conviction.

On August 14, in connection with the May 2007 clash in Alastlogo village in which four persons were killed and eight injured, the Surabaya Military Tribunal sentenced 10 marines to 18 months in prison. Three other defendants-- platoon commander Lieutenant Budi Santoso, Private First Class Suyanto, and First Corporal Suratno--were sentenced to three years, two years, and one year respectively. They were also discharged from the military.

A TNI member and a civilian were arrested in connection with the September 2007 clashes between police and TNI personnel in Ternate, North Maluku, that left two police officers dead, two injured, and two TNI personnel injured. The police reported that individuals had been sentenced to prison in connection with the clashes, but additional details were not disclosed.

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

On January 25, the Supreme Court reaffirmed the conviction of Pollycarpus Budihari Priyanto and sentenced him to 20 years in prison for the 2004 murder of Munir Said Thalib. On February 11, former Garuda Airlines director Indra Setiawan was sentenced to a year in prison for abetting the murder. In June retired army general Muchdi Purwoprandjono, who was deputy head of the National Intelligence Agency at the time of the killing, was arrested on charges of planning Munir's murder. On December 31, the South Jakarta District court acquitted Muchdi of all charges. The prosecution reportedly planned to appeal.

Komnas HAM reopened investigations into the 1999 killing of four demonstrators at Jakarta's Semanggi intersection and the 1998 killing of four students at Trisakti University and nine demonstrators at Semanggi intersection. In a departure from past practice, one retired general and some retired police officers cooperated with a Komnas HAM investigation into the 1989 Talangsari massacre. Komnas HAM resubmitted its findings to the Attorney General's Office (AGO), but the AGO returned the documents to Komnas HAM as "incomplete."

On March 23, in West Timor a group of youths allegedly stabbed and killed Paulino Lopes, a former refugee from East Timor. In response the Lopes family reportedly gathered a mob of former refugees who burned 11 houses in a neighboring village. The TNI restored order. No arrests were made.

On November 8, Ali Gufron, Imam Samudra, and Amrozi Nurhasyim were executed for their roles in the 2002 Bali bombing.

b. Disappearance

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

On April 1 and 28, Komnas HAM resubmitted its 2006 report on the 1998 abductions of 12 to 14 prodemocracy activists to the AGO. Despite refusals from military personnel to cooperate in the investigation, Komnas HAM concluded that all victims still missing were dead and identified suspects for an official investigation without publicly releasing their names. During 2006-07 the AGO took no action, stating that it could not prosecute these crimes unless the House of Representatives (DPR) declared them gross human rights violations. In October a special committee of the DPR began conducting hearings into the matter.

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

The constitution states that every person shall have the right to be free from torture, inhuman, and degrading treatment. The law criminalizes the use of violence or force by officials to elicit a confession, punishable by up to four years in prison, but the criminal code does not specifically criminalize torture. In previous years law enforcement officials widely ignored, and were rarely tried, under this statute. The government made some efforts to hold members of the security forces responsible for acts of torture. For example on April 28, the Jambi District Court sentenced six police mobile brigade officers to two months in prison each for torturing a Batanghari University student. In 2007 the UN special rapporteur on torture, Manfred Nowak, reported evidence of torture in many police detention facilities in Java. Nowak reported torture was common in certain jails and used to obtain confessions, punish suspects, and seek information that incriminated others in criminal activity. Torture typically occurred soon after detention. There were reports that detainees were beaten with fists, sticks, cables, iron bars, and hammers. Some detainees reportedly were shot in the legs at close range, subjected to electric shock, burned, or had heavy implements placed on their feet.

A January/February survey by the Jakarta Legal Aid Institute of 412 respondents in various detention places found that acts of torture and other ill treatment remained common. The survey also stated that 367 of the respondents who were interrogated at police stations alleged abuse during the arrest and interrogation process.

Police allegedly beat and kicked detainees following a July 19 demonstration in the western Papuan city of Fakfak. In October, 17 persons were detained and allegedly beaten in Jayapura following a demonstration. One of the organizers of the demonstration according to a hospital autopsy died as a result of torture.

On October 8, the Banda Aceh District Court sentenced four police officers to three months in jail each for beating and sexually abusing two gay men in January 2007 in Banda Raya, Nanggroe Aceh Darussalam. The two gay men were physically and verbally abused by their neighbors and then arbitrarily arrested, beaten, and sexually abused by police.

During the year 36 persons were publicly caned in Aceh under the local Shari'a (Islamic law) for gambling. Unlike in the previous year, according to the Aceh Shari'a Court, there were no cases of caning for consuming alcohol or being alone with persons of the opposite sex.

On May 8, police cadets in Semarang, Central Java, tortured classmate Tri Pramuda Siburian in the police academy dormitory compound. The victim's hands were handcuffed from behind and he suffered beatings, cigarette burns, and electric shocks. The police academy governor dismissed one cadet, delayed graduation for five cadets, and demoted 22 to a lower class.

On May 12, senior cadets at the Maritime Higher Education and Training Institute, beat and killed cadet Agung B.

Gultom. On December 10, the Central Jakarta District Court sentenced three students, Lasmono, Anggi Dwi Wicaksono, and Hari Nugraha, to five years in prison in the beating death.

On February 1, five fellow students were sentenced to eight month prison terms for the April 2007 beating death of Cliff Muntu at the government's Institute for Public Administration.

On May 30, the chief warrant officer of Malang Military subdistrict command Masu'udi tortured Mujib, a local civilian. On June 16, the hospitalized Mujib died from his injuries. Masu'udi was detained for 21 days in the military subdistrict command post; additional information on his punishment was not publicly available.

There were instances in which police failed to respond to mob or vigilante violence. Mobs carried out vigilante justice, but reliable statistics on such actions were not available. Incidents of theft or perceived theft triggered many such incidents. During a June 1 propluralism demonstration, Islamic militants attacked the demonstrators, some of whom were injured. The police allegedly did little to protect the demonstrators. During the September trial of the militant leaders, their followers allegedly attempted to physically intimidate and attack prosecution witnesses. Again the police were said to have done little to protect the witnesses.

Prison and Detention Center Conditions

Conditions at the country's 397 prisons and detention centers were harsh. Overcrowding was widespread. In Java occupancy frequently was two or three times more than recommended capacity. According to a UN official, nationally the designed capacity was for 70,000 inmates but there were 136,000. Guards regularly extorted money from and mistreated inmates. There were widespread reports that the government did not supply sufficient food to inmates, and family members often brought food to supplement their relatives' diets. Family members reported that prison officials often sought bribes to allow relatives to visit inmates. Unruly detainees were held in solitary confinement for up to six days on a rice-and-water diet.

By law, children convicted of serious crimes should serve their sentences in juvenile prisons. However, according to a November 2007 statement by the UN special rapporteur on torture, children were incarcerated with adults in both pretrial detention centers and in prisons. In theory prisons held those convicted by courts, while detention centers held those awaiting trial; however, in practice pretrial detainees at times were held with convicted prisoners.

On September 22, a prison guard at Abepura Prison outside Jayapura beat prisoner Ferdinand Pakage, who suffered injuries to his arms, legs, and head, and lost sight in his right eye. Abepura Prison was overcrowded and deteriorating with many poorly trained personnel.

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

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The president appoints the national police chief, subject to DPR confirmation. The police chief reports to the president but is not a full member of the cabinet. The national police force has approximately 350,000 personnel deployed throughout the 33 provinces. The police maintain a centralized hierarchy; locally deployed forces formally

report to their national headquarters, although during the year cooperation with local governments increased. The military is responsible for external defense but also has a residual obligation to support the police with its domestic security responsibilities. In Aceh the Shari'a police, a provincial body, is responsible for enforcing Shari'a law. During the year the National Police arrested 378 officers for criminal infractions. Of these, 198 were charged with misconduct and 161 were dishonorably discharged; the others received administrative and disciplinary punishments. The police continued to focus on improving police professionalism and emphasizing law enforcement ethics. All police training institutions include a human rights component in their curricula. However, impunity and corruption remained problems in some areas. Police commonly extracted bribes ranging from minor payoffs in traffic cases to large bribes in criminal investigations.

According to the Indonesian Police Commission, 21,600 police officers were "legally processed" for misconduct including violations of police regulations, criminality, or violations of ethical standards from January to June.

There have been no known developments in the August 2007 Maluku Internal Investigation Division arrest of a police brigadier general in connection with an allegation that he had committed torture using electric shock.

Arrest and Detention

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

During his November 2007 visit, the UN special rapporteur on torture found that in many instances the authorities did not grant bail, frequently prevented access to defense counsel during investigations, and limited or prevented access to legal assistance from voluntary legal defense organizations. Court officials sometimes accepted bribes in exchange for granting bail.

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

e. Denial of Fair Public Trial

The law provides for judicial independence; however, in practice the judiciary remained susceptible to influence from outside parties, including business interests, politicians, and the military. Low salaries continued to encourage

acceptance of bribes, and judges were subject to pressure from government authorities, which appeared to influence the outcome of cases.

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

In September 2007 the Corruption Eradication Commission (KPK) arrested, for accepting a bribe, Irawady Joenoes, a member of the Judicial Commission, which among other things proposes candidates for the Supreme Court justices and monitors its performance. On March 14, the anticorruption court sentenced Joenoes to eight years' imprisonment and a fine of 400 million rupiah (\$40,000). An appeals court reduced Joenoes' sentence to six years, and at year's end the Supreme Court was considering a further appeal. The anticorruption court reached verdicts more quickly, had a higher conviction rate, and issued longer sentences than the normal court system. The proposed requirement that corruption defendants wear special prisoner uniforms and have their hands cuffed during judicial procedures has been criticized as a violation of the presumption of innocence.

Widespread corruption throughout the legal system continued. Bribes and extortion influenced prosecution, conviction, and sentencing in civil and criminal cases. In 2007 the National Ombudsman Commission reported receiving 218 complaints of judicial corruption involving judges, clerks, and lawyers. Key individuals in the justice system were accused of accepting bribes and of turning a blind eye to other government offices suspected of corruption. Legal aid organizations reported that cases often moved very slowly unless a bribe was paid. With the Judicial Commission stripped of its powers, responsibility for judicial supervision rests with the Supreme Court.

Apart from the handful of soldiers who were tried in human rights courts, hundreds of low-level and sometimes mid-level soldiers were tried in military courts, including for offenses that involved civilians or occurred when soldiers were not on duty. If a soldier was suspected of committing a crime, military police investigated and then passed their findings to military prosecutors, who decided whether to prepare a case. While administratively managed by the Supreme Court, military prosecutors were responsible to the TNI for the application of laws. The Supreme Court exercises administrative control over civil, military, and religious courts. A three-person panel of military judges heard trials, while the High Military Court and the Primary Military Court heard appeals. Some civilians criticized the short length of prison sentences imposed by military courts. TNI legal officials noted that all personnel sentenced to terms of three months or longer, regardless of their record or length of service, were discharged from military service. Human rights nongovernmental organizations (NGOs) complained that the military judicial process was not transparent and that they were unable to confirm any cases of military personnel who committed human rights violations serving time for their crimes. NGO sources said that military court proceedings all the way to the Supreme Court were not public. The trials of the marines charged in the May 2007 Alastlogo killings were public (see section 1.a.).

Four district courts located in Surabaya, Makassar, Jakarta, and Medan are authorized to adjudicate cases of gross human rights violations. By year's end only the Makassar and Jakarta courts had adjudicated such cases. The law provides for each court to have five members, including three non-career human rights judges, who are appointed to five-year terms. Verdicts can be appealed to the standing appellate court and the Supreme Court. The law provides for internationally recognized definitions of genocide, crimes against humanity, and command

responsibility, but it does not include war crimes as a gross violation of human rights.

Under the Shari'a court system in Aceh, 19 district religious courts and one court of appeals heard cases. The courts heard only cases involving Muslims and used decrees formulated by the local government rather than the penal code. Critics argued that Shari'a regulations were procedurally ambiguous. For example, whether defendants had a right to legal aid was unclear and was inconsistently implemented. Although Shari'a cases were supposed to be tried in closed hearings, during the year there were numerous problems with trial proceedings going forward in open court.

Trial Procedures

The law presumes that defendants are innocent until proven guilty. Defendants have the right to confront witnesses and call witnesses in their defense. An exception is allowed in cases in which distance or expense is deemed excessive for transporting witnesses to court; in such cases sworn affidavits may be introduced. However, the courts allowed forced confessions and limited the presentation of defense evidence. Defendants have the right to avoid self-incrimination. In each of the country's 755 courts, a panel of judges conducts trials by posing questions, hearing evidence, deciding on guilt or innocence, and imposing punishment. Both the defense and prosecution can appeal.

The law gives defendants the right to an attorney from the time of arrest and at every stage of examination and requires that defendants in cases involving capital punishment or a prison sentence of 15 years or more be represented by counsel. In cases involving potential sentences of five years or more, the law requires that an attorney be appointed if the defendant is indigent and requests counsel. In theory indigent defendants may obtain private legal assistance, and NGO lawyer associations provided free legal representation to indigent defendants. In some cases procedural protections, including those against forced confessions, were inadequate to ensure a fair trial.

On April 7, militia commander Eurico Guterres, who had been sentenced to 10 years in prison in connection with atrocities that occurred during 1999 in Timor-Leste, was released from prison based on new evidence that reportedly proved his innocence.

Political Prisoners and Detainees

During the year at least 30 Papuan independence activists, including a 16-year-old boy, were in detention for flag raising. Filep Karma and Yusak Pakage remained in detention serving 15 and 10 years respectively for their role in a flag raising. Individuals in Maluku, including Johan Teterisa who received a life sentence, were also given long sentences for flag raisings. They were charged with incitement of hatred and rebellion. The number of flag raisings increased after the issuance of a government regulation that banned the use of separatist-linked regional symbols.

In October 2007 the authorities arrested Papuan human rights activist Iwanggin Sabar Olif on suspicion of incitement of hatred and defamation for forwarding text messages. In December 2007 Olif was charged with incitement to hatred. Some observers believed he was singled out for arrest for his human rights activities. He received regular access to legal counsel. At year's end Olif remained under house arrest, and his trial was ongoing.

Civil Judicial Procedures and Remedies

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

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

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

In some parts of the country, particularly in Kalimantan and Papua, residents believed that government-sponsored transmigration programs, which move households from more densely populated areas to less populated regions, interfered with their traditional ways of life, land usage, and economic opportunities. Although the number of new persons in transmigration was significantly less than in previous years, the government continued to support approximately 8,600 households moved in 2007 from overpopulated areas to 403 isolated and less-developed areas in 20 provinces.

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

Land disputes continued to generate charges of unfair evictions and the use of excessive force by security officials. During the year there was a significant decrease in evictions of squatters living on government land and of street vendors. The NGO Poor People's Alliance reported that approximately 12,000 persons were evicted from their homes or informal businesses during the year. The NGO Jakarta Legal Aid estimated that security officials evicted 5,935 persons from the North Jakarta turnpike during 2007, compared with 6,000 in all of Jakarta in 2006.

On July 23, in Tanah Runtu, Central Kalimantan, police detained five local residents because of a land dispute between local residents and a palm oil company. At year's end two of them remained in police custody.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and the law provide for freedom of speech and freedom of the press; however, the government at times restricted these rights in practice. Politicians and powerful businessmen filed criminal or civil complaints against journalists whose articles they found insulting or offensive; some journalists faced threats of violence. Nonetheless, a vigorous, independent media operated in the country and expressed a wide variety of views generally without restriction.

In 2006 and 2007 the Constitutional Court annulled or ruled unconstitutional various provisions of the Criminal Code which provided special protections to the president, the vice president, and the government. During the year a debate over revisions to the Criminal Code that would restore a measure of protection against defamation continued.

During the year authorities arrested at least 30 persons for raising separatist flags in Papua. Although the Papua Special Autonomy Law permits flying a flag symbolizing Papua's cultural identity, a government regulation prohibits the display of the Morning Star flag in Papua, the South Maluku Republic (RMS) flag in Maluku, and the Crescent

Moon flag in Aceh. On March 13, police arrested 12 persons in Manokwari, West Papua, during a demonstration against the regulation.

On August 9, thousands of persons in Jayawijaya District, Wamena, Papua, gathered to mark the International Day of the World's Indigenous People. During the rally the Morning Star flag was raised, along with the UN and Indonesian flags. Opinus Tabuni was shot and killed during the demonstration. At year's end an investigation was still underway.

In April the Ambon District Court sentenced three persons, Ferdinan Waas, Samuel Hendriks, and Josias Sinay, to 10 years in prison for their roles in the display of the RMS flag during a dance welcoming President Yudhoyono to Ambon in June 2007. From October 2007 to June 2008, at least 55 alleged RMS separatists were sentenced, while five others awaited verdicts.

On April 25, the RMS anniversary, the police imposed increased security measures, and, unlike in previous years, there were no reports of RMS flag raisings.

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

Journalists faced widespread violence and intimidation. However, the Alliance of Independence Journalists reported a slight decrease in violence against journalists, with 60 cases this year, compared with 65 cases in 2007. Physical violence, threats, reportage prohibition, and lawsuits contributed 21, 19, nine, and six cases respectively. Regional election candidates committed 20 acts of violence against journalists; state officials and police each contributed 11; the remaining acts of violence against journalists involved judges and NGO activists.

Defamation and libel suits made investigative journalism potentially expensive. Time magazine filed for judicial review of the August 2007 Supreme Court decision awarding former President Suharto one trillion rupiah (\$100 million) in a libel suit against Time. At year's end the decision has not been announced.

On July 3, the South Jakarta District Court ruled in favor of Riau Andalan Pulp and Paper in a defamation lawsuit against Tempo magazine.

On September 9, the Central Jakarta District Court found Tempo guilty of defaming agribusiness giant Asian Agri and ordered the magazine to pay 50 million rupiah (\$5,350) in damages and publish a full-page apology in three newspapers in three consecutive editions. The judges said Tempo damaged the company's reputation through its investigative report of alleged tax evasion.

On September 20, four navy officers attacked an RCTI television journalist who was covering a dispute between the navy officers and security guards at a gas station in Tanjung Pinang City, Riau Islands. The attack began when a sailor, queuing to refuel his motorcycle, became enraged when told to move to another line by the gas station security guard. Later that night the Tanjung Pinang Navy Military Police arrested the four sailors.

On February 20, the Depok District Court sentenced Bersihar Lubis, senior journalist of Koran Tempo daily newspaper, to one month in prison for insulting the AGO in an article entitled "The Story of Stupid Interrogators."

During the year the government took no legal action against any persons responsible for crimes committed against

journalists in 2006 and 2007.

On June 20, the AGO banned a book, *Genocide of Ethnic Melanesia: Breaking the Silence on the History of Violence in West Papua*, written by Reverend Socratez Sofyan Yoman. The AGO said the book spread "false information to the public and can threaten national integrity and could also cause unrest within society."

Internet Freedom

On March 25, the DPR passed the Information and Electronic Transaction Law. The law, intended to combat online crime, pornography, gambling, blackmail, lies, threats, and racism, prohibits citizens from distributing in electronic format any information that is defamatory and punishes transgressors with a maximum of six years in prison or a fine of one billion rupiah (\$100,000) or both. The Information and Communication Ministry offered the public software to block Web sites with adult content, available for download at its official Web site.

On April 8, the government temporarily blocked access to YouTube, MySpace, and other Web sites showing an allegedly anti Islamic film "Fitna" that sparked widespread protests.

Internet cafes are required to provide the identities of Internet users to a government agency on a monthly basis. Internet access is widely available throughout the country.

Academic Freedom and Cultural Events

On October 30, the DPR passed an antipornography bill. Critics of the bill considered the definition of pornography too broad and feared that it could be used to justify attacks on artistic, religious, and cultural freedom. The bill includes provisions that allow citizens to "supervise" adherence to the law.

During the year the government-supervised Film Censorship Institute (LSF) continued to censor domestic and imported movies for content deemed pornographic or religiously offensive, but no films were prohibited from being shown by the central agency. On May 13, the Council of Ulema urged the LSF to ban a film because it allegedly had pornographic overtones and was insulting to women. On May 14, dozens of university students protested in front of the LSF office demanding the film be banned. The producer of the film, Indika Entertainment, withdrew the film from distribution.

During the year alleged Islamic militants reportedly threatened a film crew, forcing them to shut down production of a film about the 1965 coup and subsequent killings. The police chief in Surakarta, Central Java, where the film was being made, was quoted as suggesting that filmmakers should avoid "sensitive topics."

The AGO has the authority to monitor written materials.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right. The law generally does not require permits for social, cultural, or religious gatherings; however, any gathering of five or more persons related to political, labor, or public policy requires police notification, and demonstrations require a permit. In general these permits were granted routinely. During the year police arrested participants in peaceful demonstrations that included the display of illegal separatist symbols (see section 2.a.).

On May 24, the South Jakarta District Police raided the National University after students demonstrated against fuel price hikes. After protesters attacked police with stones, bottles, and Molotov cocktails, police reportedly reacted by kicking and hitting students as well as destroying campus property. The Jakarta Police Internal Investigating Division (Propam) found that six officers were suspected of brutality, and Komnas HAM claimed that police committed human rights abuses in arresting the students. The six officers reportedly were disciplined with administrative sanctions.

On June 24, police used nonlethal methods to disperse a violent demonstration in front of the parliament building against the fuel price hike and subsequently in front of the Atmajaya University. At least 1,000 students gathered at the gates of the parliament building and brought down one of the side gates, demanding they be allowed to take part in a plenary session being held to discuss fuel price policy. Protesters also caused massive traffic jams by blocking a road and burning tires. The demonstration was later moved in front of the Atmajaya University and turned violent as students searched for government cars before burning one vehicle. During the demonstration, 16 police officers and two journalists were injured, and eight police cars were set on fire.

On some occasions police took no action to protect persons being attacked by mobs. On June 1, the National Alliance for the Freedom of Religion and Faith (AKKBB) rallied at the National Monument (Monas) in Jakarta to show support for religious freedom. During the rally, Islamic Defenders' Front (FPI) members attacked the AKKBB activists with bamboo sticks, leaving more than 70 activists injured. Reports said approximately 1,200 police officers were guarding the Monas area, but the few present during the violence were unresponsive. Police did not immediately make any arrests. Several days after the attack, police raided FPI's headquarters in Central Jakarta and arrested 58 of the group's members for attacking the AKKBB activists. Police released 48 persons without charge and later named 10 suspects, including FPI chief Rizieq Shihab, Islam troop command chair Munarman, and eight other FPI members. On October 30, Rizieq and Munarman were sentenced to 18 months in prison for inciting violence and other crimes connected to the June 1 events. Prior to the convictions, FPI members attempted to intimidate witnesses against their leaders. The police allegedly ignored the FPI members' provocations.

Freedom of Association

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

On April 19, approximately 350 members of the Islamic sect Ahmadiyya from 200 chapters across the country were forced to cancel their national conference in Bali when the Bali police would not issue them a permit (see section 2.c.).

c. Freedom of Religion

The constitution provides for "all persons the right to worship according to his or her own religion or belief" and states that "the nation is based upon belief in one supreme God." The government generally respected the former provision. Six faiths--Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism--received official recognition in the form of representation at the Ministry of Religious Affairs.

On January 15, the government-appointed Coordinating Board for Monitoring Mystical Beliefs in Society recommended the government dissolve the Ahmaddiyah sect.

On June 9, the government issued a decree prohibiting the Ahmaddiyah from proselytizing and conducting religious

activities, as well as prohibiting vigilantism against the sect. The decree warned Ahmaddiyah members against making their own interpretations of Islam and against spreading their beliefs. Vice President Jusuf Kalla said that the decree did not prohibit the Ahmadiyya from worshipping or continuing to practice within its own community.

On September 1, the South Sumatra governor banned Ahmadiyyah and any activities of the Indonesian Jamaah Ahmadiyyah organization in the province.

Persons whose religion was not one of the six officially recognized faiths had difficulty obtaining an identity card, which was necessary to register marriages, births, and divorces. Men and women of different religions experienced difficulties in marrying and in registering marriages. The government refused to register a marriage unless a religious marriage ceremony had taken place. However, very few religious officials were willing to take part in weddings involving couples of different faiths. For this reason, some brides and grooms converted to their partner's religion. Others resorted to traveling overseas to wed.

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

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

The Jakarta city administration issued a circular to all entertainment center managers stipulating that karaoke and live music venues could only operate between 8:30 p.m. and 1:30 a.m. during Ramadan. The city tourism agency sealed seven entertainment centers and reprimanded three that had violated the operating hours during Ramadan.

On September 24, police arrested dozens of FPI members who attacked food stalls that were open during the day in Tasikmalaya, West Java.

Societal Abuses and Discrimination

Throughout the year numerous Ahmadiyya communities were attacked by vigilante groups, and over 20 mosques were forcibly shut down. A number of these incidents occurred after the release of the July decree that banned attacks on the religious group.

On July 25, the Arastamar Evangelical School of Theology, also known as Setia College, was attacked by residents of Kampung Pulo District, West Jakarta; 18 students were injured and several student dormitories were damaged. Local residents claimed Setia students were behind a rash of petty thefts and public disturbances. The school temporarily relocated to another section of Jakarta, with 600 female students living in tents at Cibubur campsite and male students dispersed throughout the city. At year's end students continued to live and take classes in five different locations in the city, often in poor conditions. They have not been allowed to return to the campus to retrieve their library, chairs, beds or other property.

On August 11, Father Benny Susetyo, secretary of the Interreligious Commission of the Indonesian Bishops' Conference, was severely beaten by unknown persons.

The Jewish population was approximately 15,000. During the year there were no acts of physical violence or harassment of Jewish persons and no acts of vandalism of Jewish community institutions, schools, synagogues, or cemeteries.

In the context of the continuing Israel/Palestine conflict, articles in the media and public statements by community leaders often criticized Israeli policy using anti-Semitic rhetoric demeaning to Jewish persons and Judaism. Although the government promoted tolerance education in primary schools, there was no specific curriculum devoted exclusively to anti-Semitism education.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

The constitution allows the government to prevent persons from entering or leaving the country. The Law on Overcoming Dangerous Situations gives military forces broad powers in a declared state of emergency, including the power to limit land, air, and sea traffic; however, the government did not use these powers. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Citizens enjoyed freedom of movement within the country and, with few exceptions, were able to travel outside the country. During the year the government continued to restrict freedom of movement for foreigners to Papua through a system of "travel letters," but enforcement was inconsistent.

The government prevented at least 698 persons from leaving and 1,266 from entering the country in 2007. The immigration office prevented these departures at the request of the police, the AGO, the KPK, and the Department of Finance. Some of those barred from leaving were delinquent taxpayers, convicted or indicted persons, and persons otherwise involved in legal disputes.

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

Internally Displaced Persons (IDPs)

The Internal Displacement Monitoring Center reported that there were between 150,000 and 250,000 IDPs in the country, between 30,000 and 150,000 were in Aceh, almost all the result of the 2004 tsunami. A mud flow in Porong, East Java, left 2,500 persons in camps.

Protection of Refugees

The country is not a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. Through the end of August, there were 270 UNHCR recognized refugees and 224 asylum seekers living in the country. Some were applicants, and others were dependents. Most were from Sri Lanka, Iraq, Afghanistan, Somalia, or Burma.

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

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

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

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

Elections and Political Participation

In 2004 President Yudhoyono became the country's first directly elected president in free and fair elections.

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

On September 29, the minister of home affairs installed Thaib Armayn and Gani Kasuba as governor and deputy governor of North Maluku following hotly disputed November 2007 elections. The election dispute continued to fester, and on November 3, unknown parties detonated explosions at the governor's residence, the regional government office, and the regional legislative assembly.

In March the Supreme Court resolved another hotly disputed November 2007 gubernatorial contest by declaring Syahrul Yasin Limpo the governor of South Sulawesi.

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

There are no legal restrictions on the role of women in politics. During the year women held four of 36 cabinet seats. The election law includes a nonbinding call for parties to select women for at least 30 percent of the candidate slots on their party lists. A political parties law mandates that women make up 30 percent of the founding members of a new political party. Women made up 11.3 percent of the elected members of the DPR, 27 of the 128-member DPD were women, and there was one female governor. Women held disproportionately few leadership positions in local government in some provinces; for example, in Aceh the highest positions held by women were two deputy mayor and deputy regent positions.

In 2007 the Constitutional Court ruled that independent candidates could run for local office and that a political party's nomination was not required. In September the first gubernatorial election that involved independent candidates was held in South Sumatra.

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

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 KPK, giving it a broad investigative mandate. During the year the KPK

arrested six members of parliament in separate investigations. In March the KPK arrested Urip Tri Gunawan, a prosecutor in the AGO, for receiving a 61-billion-rupiah (\$8 million) bribe. On September 4, the Anticorruption Court sentenced Urip to 20 years in prison.

On April 10, the KPK arrested Burhanuddin Abdullah, the then-central bank head, for corruption related to an illegal payment to parliament. During the year three members of parliament (MPs) were found guilty and sentenced to three, four, and eight years in prison, while three others were standing trial at year's end for receiving money from government officials or private companies. One of the MPs, Saleh Djasit, committed the offenses when he served as governor of Riau Province.

At year's end the KPK was also investigating other high-level officials, including two cabinet ministers. On September 15, the KPK arrested a commissioner of the Business Competition Oversight Unit. Earlier in the year, the KPK raided the Tax and Customs Office at the country's largest port, exposing many corrupt practices and cash bribes in office desks.

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

The country does have financial disclosure laws, but they are limited in scope.

On April 3, the government passed the Freedom of Information Act, which acknowledges the right of citizens to access governmental information and provides mechanisms through which citizens can obtain such information. The law also provides for sanctions on public bodies if they do not comply. The Alliance of Independent Journalists 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

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

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

The police, at the instruction of the president, vigorously investigated the 2004 killing of human rights activist Munir Said Thalib (see section 1.a.).

On August 14, eight members of the Banda Aceh Legal Aid Institute were sentenced to three months' imprisonment for distributing pamphlets about land expropriations in July 2007.

NGOs in Papua continued to report widespread monitoring of their activities by intelligence officials as well as threats and intimidation. Activists reported that intelligence officers took their pictures surreptitiously and sometimes questioned their friends and family members regarding their whereabouts and activities.

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

possible negative consequences of contacting foreigners. A number of government agencies and affiliated bodies addressed human rights problems, including the Ministry of Law and Human Rights, the Ministry of Foreign Affairs, the Ministry of Women's Empowerment, the National Commission on Violence Against Women (Komnas Perempuan), and Komnas HAM. In recent years Komnas HAM's efforts to expose human rights violations and bring perpetrators to account were undermined by a number of court decisions regarding its jurisdiction or authority. During the year the AGO rebuked Komnas HAM's recommendations to file charges in four incidents including Wamena-Wasior, Trisakti, Semanggi I and II, and forced disappearances.

Parliament failed to approve formation of an ad hoc human rights court that could investigate severe human rights violations that occurred before 2000. Although the 2006 Law on the Government of Aceh states that a human rights court would be established in Aceh, it was not established by year's end.

On July 15, the Commission on Truth and Friendship (CTF), established by the governments of Indonesia and Timor-Leste in 2005 to address human rights violations committed in Timor-Leste in 1999, delivered its final report to the two governments' presidents. The report recognized that gross violations of human rights occurred prior to and immediately after the popular consultation in East Timor in 1999. The report's recommendations for Indonesia included a human rights training program with emphasis that the military remain neutral in political controversies and elections and enhanced authority for institutions charged with investigation and prosecutions for human rights violations. The government disseminated the CTF recommendations within the government, and a variety of ministries began carrying out the recommendations.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

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

Reliable nationwide statistics on the incidence of rape continued to be unavailable. The legal definition of rape is narrow and excludes marital rape. Sentencing continued to be a problem. Although rape is punishable by four to 12 years in prison, and the government imprisoned perpetrators for rape and attempted rape, most convicted rapists were sentenced to the minimum or less.

Violence against women remained poorly documented. Nationwide figures were unavailable. The National Commission on Violence Against Women reported that in 2007 there were 25,522 cases of violence handled by partner organizations across the country, and the local press reported that violence against women continued to increase. Most NGOs working on women and children's issues believed the real figure was far higher, noting the tendency of many victims to keep silent. Komnas Perempuan reported that domestic violence was the most common form of violence against women, making up approximately 16,700 cases, or 76 percent of total cases. Two types of crisis centers were available for abused women: government-run centers in hospitals and NGO centers in the community. The East Java Social Department recorded that the number of victims of violence against women was 2,554 victims in 2007 and 268 victims as of March.

Nationwide the police operated "special crisis rooms" or "women's desks" where female officers received criminal reports from female and child victims of sexual assault and trafficking and where victims found temporary shelter.

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

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 2007 the minister of women's empowerment called for a complete ban of the practice. In 2006 the Ministry of Health banned FGM by doctors and nurses. However, symbolic female circumcisions that do not involve physical damaging of the child could be carried out, and violators of the ban did not face prosecution.

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

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

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

Although legal scholars believed that local governments lacked authority to legislate on religious matters, local governments continued to implement Shari'a-based local laws that many human rights and women's activists believed discriminate against women. During the year no new Shari'a-based local laws were passed. The central government did not challenge the validity of those regulations passed in previous years.

Divorce is available to both men and women. Many divorcees received no alimony, since there was no system to enforce such payments. If there is no prenuptial agreement, joint property is divided equally. The law requires a divorced woman to wait a certain period of time before remarrying; a man can remarry immediately. The government continued to implement Shari'a in Aceh. The impact of this implementation varied across the province but, continuing the pattern of the last few years, in general appeared to be less intrusive due to improved government oversight of the Shari'a police. The most visible impact on women's rights appeared to be the enforcement of dress codes. It was not uncommon for Shari'a police to briefly detain women whose dress did not conform to local Shari'a requirements and lecture them on appropriate attire.

Local governments and groups in areas outside Aceh also undertook campaigns to promote conformity by women with the precepts of Shari'a. Vigilance in enforcing separation of sexes, fasting, and dress codes increased during Ramadan.

Women faced discrimination in the workplace, both in hiring and in gaining fair compensation. According to a 2007 International Trade Union Confederation (ITUC) report, women on average earned 74 percent of what men earned, were overrepresented in unpaid and lower-paid positions in the informal sector, and held only 17 percent of managerial positions. According to the government, women constituted 43 percent of all civil servants but less than 7 percent of senior officials. Some activists said that in manufacturing, employers relegated women to lower-paying, lower-level jobs. Many female factory workers were hired as day laborers instead of as full-time permanent employees, and companies were not required to provide benefits, such as maternity leave, to day laborers. By law

if both members of a couple worked for a government agency, the couple's head-of-household allowance was given to the husband.

Organizations around the country promoting women's rights or otherwise addressing women's issues during the year included Komnas Perempuan, Solidaritas Perempuan, Mitra Perempuan, Jurnal Perempuan, and LBH-Apik.

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

Although the law provides for free education, in practice most schools were not free of charge, and poverty put education out of the reach of many children. By law children are required to attend six years of elementary school and three years of junior high school; however, in practice the government did not enforce these requirements. Although girls and boys ostensibly received equal educational opportunities, boys were more likely to finish school.

Monthly fees for public schools varied by province and were based on average incomes. Tuition, transportation, and school materials could cost a family between 4.5 and 8.3 million rupiah (\$444-777) per year for each primary and secondary student. In 2005 the International Labor Organization (ILO) conducted a limited child labor survey in areas within five provinces (North Sumatra, East Kalimantan, West Java, East Java, and South Sulawesi) that 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. In Jakarta, the Education Department reported 6,959 students did not attend school during the year, a somewhat lower figure than the 7,172 children who reportedly did not attend school in 2007.

Child labor and sexual abuse were serious problems. 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. Child abuse is prohibited by law, but government efforts to combat it generally continued to be slow and ineffective. NGOs reported excessively long waits to bring a child rape case to court and unclear mechanisms for reporting and dealing with child abuse. Commercial sexual exploitation of children continued to be a serious problem. The number of child prostitutes in the country was unclear, but the problem was widespread. Many teenage girls were forced into or found themselves caught in debt bondage. At times law enforcement officials treated child prostitutes as criminals rather than victims. Corrupt civil servants issued identity cards to underage girls, facilitating entry into the sex trade. There also were reports of sexual exploitation of boys. The country was a destination for child sex tourism. During the year NGOs reported that long active pedophile rings continued to operate in Bali. NGO observers said many girls were forced into prostitution after failed marriages entered into when they were 10 to 14 years of age. There was no obvious violation of the law because their paperwork identified them as adults due to the fact that they were once married.

During the year national attention was focused on the problem of child marriage following reports that a Muslim cleric married a 12-year-old girl in Semarang, Central Java. Senior Muslim clerics strongly criticized the marriage, and the cleric was investigated. On November 9, the National Commission for Child Protection persuaded the cleric to return the child to her parents until she reaches 16 years of age. The Commission was unable to annul the marriage.

The government officially estimated that there were more than two million child laborers in the country; other informed persons believed the number to be much higher (see section 6.d.).

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

NGOs reported that the government paid little attention to the rights of juvenile offenders. Juveniles were held in the same detention facilities as adults during pretrial and trial phases of detention and frequently experienced abuse while in detention. Substantial numbers of street children were apparent in Jakarta and the provinces of East Java, West Java, North Sumatra, and South Sulawesi.

Surabaya, in East Java, was home to approximately 8,000 street children, many reportedly susceptible to sexual abuse and violence. Approximately 40 shelters in the province provided services to such children. The Jakarta city government operated a shelter with 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.

NGOs promoting children's rights included the Child Advocacy Network, the National Commission on Child Protection, the Center for Study and Child Protection, and the Foundation for Indonesian Child Welfare.

Trafficking in Persons

In March 2007 the government enacted a comprehensive antitrafficking law and took steps against corruption-related complicity. The antitrafficking law outlaws all forms of trafficking, including debt bondage and sexual exploitation, and includes a comprehensive mandate for rescue and rehabilitation of victims. It provides stiff penalties for officials and labor agents complicit in trafficking. Penalties range from between three to 15 years in prison, with penalties for officials assessed at a rate one-third higher. Provincial and local governments also significantly increased efforts and resources to fight trafficking. The country's embassies and consulates were active in rescuing and assisting victims.

The country remained a major source for international trafficking in persons and faced a significant internal trafficking problem. It also was a receiving country for trafficked prostitutes, although the number was small relative to the number of citizen victims. The country was not a major transit point for trafficking. Malaysia and Saudi Arabia, as well as other countries in the Middle East and Asia, were destinations, and there were some cases of alleged trafficking to the United States. Prostitution, domestic servitude, and work in restaurants and hotels were the primary purposes, with some forced labor in construction and plantation work. All impoverished citizens were potential victims, but boys and girls under age 18 and women of all ages were most vulnerable. Victims were subjected to physical and psychological abuse, sometimes resulting in death.

The sophisticated national trafficking network was decentralized with neighborhood brokers trafficking victims to labor supply agencies in large cities, which in turn sold victims to labor supply agencies in receiving countries. Local government, immigration, and manpower officials were complicit in the process. The domestic trafficking of women and girls into prostitution operated in a similar manner. Local officials, police, and military were complicit in this activity as well.

Law enforcement against traffickers increased during the year: arrests increased from 142 to 252; prosecutions from 56 to 109, and convictions from 36 to 46. In 2007 the average sentence was 45 months in prison. During the year the government trained more than 1,000 law enforcement officials on fighting trafficking, often in interagency

courses also attended by NGOs. The numbers of special antitrafficking police and prosecutors increased. The National Plan of Action led to more effective national coordination. During the year under the new law, there were dozens of arrests of domestic and international traffickers, and hundreds of victims were rescued. Major cases included the rescue of several migrant workers trafficked to Iraq, 50 Chinese nationals trafficked to Jakarta for purposes of prostitution, and six enslaved children from a birds' nest factory in Jakarta.

The government showed little interest in renegotiating a memorandum of understanding (MOU) with Malaysia, which ceded the basic right of workers' rights to hold their travel documents. Exploitation of workers by manpower placement companies continued to be widespread. The decentralized approach to rescuing, treating, and reintegrating victims and inadequate funding for victim assistance hindered implementation of the law. The national budget for trafficking remained far below needs. There was no progress in stopping officials from abetting trafficking in prostitution, for example, by falsifying documents. No action was taken to protect women and children entrapped in debt bondage as domestic servants within the country.

During the year NGO research in Papua and West Papua uncovered widespread trafficking of girls and young women to energy and mining industry centers for purposes of sexual exploitation. The study found that in Timika, Papua, between 100 to 200 women and girls from North Sulawesi and Java were trafficked to red light districts and bars. The NGO rescued 31 women and girls from servitude. NGOs throughout Papua and West Papua reported that military and police often were complicit in trafficking and in protecting brothel owners and traffickers.

A national NGO documented 150 girls ages 14 to 16 trafficked to illegal logging camps in West Kalimantan for purposes of sexual exploitation, a practice that NGOs believed was common in many of these isolated camps.

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

Persons with Disabilities

The government classifies persons with disabilities into four categories: blind, deaf, mentally disabled, and physically disabled. The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. The law also mandates accessibility to public facilities for persons with disabilities; however, the government did not enforce this provision. 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 positions for persons with disabilities. However, the government did not enforce the law, and persons with disabilities faced considerable discrimination.

In urban areas only a few city buses offered wheelchair access, and many of those had their hydraulic lifts vandalized, rendering them unusable. Few companies provided facilities for persons with disabilities, and fewer companies employed such persons. Surabaya's airport opened in 2006 and was not accessible for persons with disabilities. Lack of funds was generally cited as the primary reason for not improving accessibility.

In 2003 the government stated the country was home to 1.3 million children with disabilities; the actual number was believed to be much higher. The law provides children with disabilities with the right to an education and rehabilitative treatment. A government official alleged that many parents chose to keep children with disabilities at home; however, many schools refused to accommodate such children, stating they lacked the resources to do so. According to the government, there were 1,568 schools dedicated to educating children with disabilities, 1,202 of them run privately. Some young persons with disabilities resorted to begging for a living.

The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

The government officially promotes racial and ethnic tolerance. Ethnic Chinese accounted for approximately 3 percent of the population, played a major role in the economy, and increasingly participated in politics. Instances of discrimination and harassment of ethnic Chinese continued to decline compared with previous years especially since passage of the 2006 citizenship law, which made it easier for ethnic Chinese to become citizens. 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. A number of articles of law, regulation, or decree discriminated against ethnic Chinese citizens. NGOs such as the Indonesia Anti Discrimination Movement urged the government to revoke the remaining discriminatory articles.

Indigenous People

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

In Central Kalimantan relations between indigenous Dayaks and ethnic Madurese transmigrants remained poor in the wake of interethnic violence in 2001. 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 asserted that the government-sponsored transmigration program transplanting poor families from overcrowded Java and Madura to less populated islands violated the rights of indigenous people, bred social resentment, and encouraged the exploitation and degradation of natural resources on which many indigenous persons relied. In some areas, such as parts of Sulawesi, the Maluku, Kalimantan, Aceh, and Papua, relations between transmigrants and indigenous people were poor.

Other Societal Abuses and Discrimination

The October 30 antipornography law makes homosexual activity illegal. Violations can be punished with from six months' to 12 years' imprisonment and fines of 250 million to six billion rupiah (\$22,500 to \$540,000).

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

Section 6 Worker Rights

a. The Right of Association

The law provides broad rights of association for workers, and workers exercised these rights. The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and workers did so in practice. The law stipulates that 10 or more workers have the right to form a union, with membership open to all workers, regardless of political affiliation, religion, ethnicity, or gender. Private sector workers are by law free to form worker organizations without prior authorization, and unions may draw up their own constitutions and rules and elect representatives. The Ministry of Manpower and Transmigration 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 ministry offices prejudicially recommended denial of registration. The vast majority of union members belonged to one of three union confederations.

According to the ILO there were nearly 3.4 million trade union members in 2005-06, representing about 10 percent of the formal sector, or about 3.6 percent of the total workforce.

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

The law allows the government to petition the courts to dissolve a union if it conflicts with the state ideology or the constitution. A union may also be dissolved if a union's leaders or members, in the name of the union, commit crimes against the security of the state and are sentenced to at least five years in prison. Once a union is dissolved, its leaders and members may not form another union for at least three years. There were no reports that the government dissolved any unions during the year.

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

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

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

The underpayment or nonpayment of legally required severance packages precipitated strikes and labor protests.

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

A South Korean-owned company, PT Sinar Apparel International, which produced clothing for export, ceased operations in April. The factory owner fled the country without paying severance pay to 1,021 workers. The owner also did not pay social security payments to the government even though wages were cut for this, leaving workers without this benefit.

On May 8, the SOE PT Angkasa Pura I dismissed union chairman Arif Islam following a strike by hundreds of airport workers in Balikpapan Sepinggan International Airport. The letter of dismissal said Arif had violated the president director's circular on strikes.

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

In April a gang of thugs attacked members of the Metal, Machine and Electronic-Indonesian Prosperity Trade Union on strike at a garment factory in Jakarta, injuring several workers. When union members reported the incident, police told them to return to their jobs and threatened them. The employer then threatened to terminate 227 strikers.

b. The Right to Organize and Bargain Collectively

According to the Manpower Ministry, approximately 25 percent of companies with more than 10 employees had collective bargaining agreements. However, in reality these agreements rarely went beyond the legal minimum provisions set by the government and often resulted from employers unilaterally drawing up agreements and presenting them to workers' representatives for signature rather than negotiation. The law allows unions to conduct their activities without interference; however, the government often did not protect this right in practice. The law provides for collective bargaining and allows workers' organizations that register with the government to conclude legally binding collective labor agreements (CLAs) with employers and to exercise other trade union functions. The law includes some restrictions on collective bargaining, including a requirement that a union or unions represent more than 50 percent of the company workforce to negotiate a CLA. The Manpower Act, which regulates collective bargaining, the right to strike, and general employment conditions does not apply to SOEs. Some unions claimed that the law contains inadequate severance benefits and protection against arbitrary terminations and does not sufficiently restrict outsourcing and child labor. At year's end no implementing regulations had been issued.

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

Unions were directly affected by the increasing trend of using contract labor. Under the Manpower Act, contract labor is supposed to be used only for work that is "temporary in nature." However, according to the ITUC, many employers violated these provisions with the assistance of local offices of the Manpower Ministry. There also were credible reports of widespread use of vocational students under an internship program, which appeared to violate labor laws and weaken unions. Typically, companies declared bankruptcy in order to avoid severance payments provided for under law, closed the factory for several days, and then rehired workers as contract labor at a lower cost. Union leaders and activists usually were not rehired.

The law prohibits antiunion discrimination by employers and others against union organizers and members and provides penalties for violations; however, the government did not effectively enforce the law in many cases. There were credible reports of employer retribution against union organizers, including dismissals and violence that were not prevented effectively or remedied in practice. Some employers warned employees against contact with union organizers. Some unions claimed that strike leaders were singled out for layoffs when companies downsized. Legal requirements existed for employers to reinstate workers fired for union activity, although in many cases the government did not enforce this effectively. According to the ITUC, legal procedures were very long, with antiunion discrimination cases sometimes taking up to six years. Bribery and judicial corruption in workers' disputes continued, and decisions often were not in workers' favor. While dismissed workers may be financially recompensed, they were rarely reinstated.

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

In May 2007, as part of a dispute between the management of a European-owned hotel and union workers, management ceased transfer of union dues and dismissed 24 union members including union officers. The company said it was downsizing. Union officials were barred from attending union meetings on hotel premises. The union has challenged the firings in court. The case is still pending.

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

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor or compulsory labor, including by children; however, there were reports that such practices occurred, including forced and compulsory labor by children. The government tolerated forms of compulsory labor practiced in the migrant worker recruitment process. The unscrupulous practices of migrant worker recruiting agencies, and poor enforcement of government regulations, often led to debt bondage and extended unlawful confinement. According to press reports and research by Solidarity Center, recruiting agencies frequently kept migrant workers in holding centers, for as long as 14 months in some cases, before sending them abroad. While in the holding centers, migrant workers normally did not receive pay, and recruiters often did not allow them to leave the centers. In most instances workers were forced to pay recruiters for the cost of their forced stay, resulting in large debts to the recruiters. The Manpower Ministry took limited measures to enforce labor laws that prevent employment agencies from trafficking workers through debt bondage.

There was no progress in the renegotiation of a 2006 MOU with the government of Malaysia about Indonesian workers' conditions in Malaysia. The MOU ceded some basic worker rights to employers, particularly the right of workers to hold their own passports.

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

d. Prohibition of Child Labor and Minimum Age for Employment

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

legal wages. The law does not appear to address exceptions for children ages 16 to 17. A strong legal framework and National Action Plans address economic and sexual exploitation, including child prostitution, child trafficking, and the involvement of children in the narcotics trade, and provide severe criminal penalties and jail terms for persons who violate children's rights. Implementation remained a problem.

Child labor remained a serious problem. An estimated six to eight million children exceeded the legal three hour daily work limit, working in agriculture, street vending, mining, construction, prostitution, and other areas. More children worked in the informal than the formal sector. Some children worked in large factories, but their numbers were unknown, largely because documents verifying age could be falsified easily. Children worked in industries such as rattan and wood furniture, garment, footwear, food processing (e.g., bird nest gathering), and toy making, and also in small scale mining operations. NGOs documented hundreds of children ages 13 to 17 working in cottage shoemaking industry in West Java. Many girls between 14 and 16 years of age worked as live-in domestic servants. The ILO estimated that there were 2.6 million domestic workers in the country, of whom at least 688,000 were under age 18. Many child servants were not allowed to study and were forced to work long hours, received low pay, and generally were unaware of their rights. The law and regulations prohibit bonded labor by children; however, the government was not effective in eliminating forced child labor, which remained a serious problem. A significant number of children worked against their will in prostitution, pornography, begging, drug trafficking, domestic service, and other exploitive situations, including a small number on fishing platforms.

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

e. Acceptable Conditions of Work

Provincial and district authorities, not the central government, establish minimum wages, which vary by province, district, and sector. Provincial authorities determined provincial minimum wage levels based on proposals by tripartite (workers, employers, and government) provincial wage commissions. The provincial minimum wage rates establish a floor for minimum wages within the province. Local districts set district minimum wages using the provincial levels as references. Districts also set minimum wages in some industrial sectors on an ad hoc basis. Provinces and districts conducted annual minimum wage rate negotiations, which often produced controversy and protests. In November scores of workers and union members protested a newly introduced joint ministerial decree on minimum wages designed to discourage local administration from raising minimum wage rates beyond the financial capabilities of manufacturing firms. The minimum wage levels set by most local governments did not provide a worker and family with a decent standard of living. Most province-level minimum wage rates fell below the government's own calculation of basic minimum needs. During the year Papua offered the highest minimum wage at 1.1 million rupiah (\$123) per month, while the Manpower Ministry reported official minimum wages as low as 500 thousand rupiah (\$60) per month in East Java.

Local manpower officials were responsible for enforcing minimum wage regulations. Enforcement remained inadequate, particularly at smaller companies and in the informal sector. In practice official minimum wage levels applied only in the formal sector, which accounted for 35 percent of the workforce. Labor law and ministerial regulations provide workers with a variety of benefits. Persons who worked at more modern facilities often received health benefits, meal privileges, and transportation. The law also requires employers to register workers with and pay contributions to the state-owned insurance agency, JAMSOSTEK.

The law establishes a 40-hour workweek, with one 30-minute rest period for every four hours of work. Companies often required a five-and-a-half- or six-day workweek. The law also requires at least one day of rest weekly. The daily overtime rate was 1.5 times the normal hourly rate for the first hour and twice the hourly rate for additional

overtime, with a maximum of three hours of overtime per day and no more than 14 hours per week. Workers in industries that produced retail goods for export frequently worked overtime to meet contract quotas. Unions complained that companies relied upon excessive overtime in some garment and electronics assembly plants, to the detriment of workers' health and safety. Observance of laws regulating benefits and labor standards varied by sectors and regions. Employer violations of legal requirements were fairly common, sometimes resulting in strikes and protests. The Solidarity Center reported that workers in the garment industry worked extremely long hours, but because their pay slips did not specify the amount of overtime paid could not be certain they were fully compensated for overtime. The Manpower Ministry continued to urge employers to comply with the law; however, government enforcement and supervision of labor standards were weak.

Both law and regulations provide for minimum standards of industrial health and safety. In practice the country's worker safety record was poor. JAMSOSTEK reported 37,845 accidents in the first three months of 2007, compared with 99,624 for the whole of 2006. Local officials have responsibility for enforcing health and safety standards. In larger companies, the quality of occupational health and safety programs varied greatly. Health and safety standards in smaller companies and in the informal sector tended to be weaker or nonexistent. Workers are obligated to report hazardous working conditions, and employers are forbidden by law from retaliating against those who do report hazardous working conditions; however, the law was not enforced effectively. By law workers have the right to remove themselves from hazardous conditions without jeopardizing employment; in practice it was not clear they could avail themselves of this right.