



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2010 Country Reports on Human Rights Practices](#) » [East Asia and the Pacific](#) » [Indonesia](#)

2010 Human Rights Report: Indonesia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

April 8, 2011

Indonesia is a multiparty democracy with a population of approximately 237 million. In July 2009 Susilo Bambang Yudhoyono was reelected president in free and fair elections. Domestic and international observers judged the April 2009 legislative elections generally free and fair as well. Security forces reported to civilian authorities, although the fact the Indonesian Armed Forces (TNI) continued to be partly self-financed had the potential to weaken this control.

Human rights problems during the year included: occasional incidents, primarily in Papua and West Papua Provinces, of arbitrary and unlawful killings by security forces; vigilantism; sometimes harsh prison conditions; impunity for some officials; official corruption, including in the judicial system; some narrow and specific limitations on freedom of expression; societal abuse against religious groups and interference with freedom of religion sometimes with the complicity of local officials; trafficking in persons; child labor; and failure to enforce labor standards and worker rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security force personnel killed a number of alleged criminals and terrorists in the course of apprehending them.

On August 30, Kasmir Timumun died in police custody in Buol, Central Sulawesi, following his arrest for illegally racing a motorcycle. Police reported that Timumun committed suicide, but credible nongovernmental organization (NGO) sources reported that his body bore evidence of abuse. On August 31, a crowd of as many as 3,000 persons attacked the police station with rocks and Molotov cocktails. Police killed eight of the protesters. Nineteen police were injured during the riot. At the end of the year, police had named three officers as suspects in the death of Timumun. Results of an autopsy of Timumun were not publicly available at the end of the year.

The police continued vigorous action against accused terrorists. As of September 28, security forces shot and killed at least 17 terrorist suspects in exchanges of gunfire. Approximately 120 suspects were detained. Eleven police were shot and killed and 12 were injured in these exchanges.

On September 22, 12 heavily armed men on motorcycles attacked a subdistrict police station in Hamparan Perak, North Sumatra, and killed three police officers. The attack was believed to be retaliation for police antiterrorist actions.

Violence affected the provinces of Papua and West Papua during the year. Due to the remoteness of the area it was difficult to confirm reports villages were burned and scores of civilians killed. Much of this violence was connected to the Free Papua Movement (OPM) and security force operations against OPM. For example, on February 15, unidentified gunmen shot and killed Police Mobile Brigade (Brimob) member Sahrul Mahulau. On April 13, gunmen reportedly affiliated with OPM killed three construction workers in the Mewulok District of Puncak Jaya.

The confusion around events in the provinces of Papua and West Papua was illustrated in the apparent killing in Puncak Jaya Regency of Pastor Kindeman Gire. In October a commissioner of the National Human Rights Commission (Komnas HAM) said that the commission was opening an investigation into Kindeman's death. Other sources have alleged Kindeman was shot and killed in March. At year's end it was agreed that Kindeman was killed, but the manner and perpetrators were uncertain.

On May 17, security forces shot and killed OPM leader Werius Telenggen and OPM member Yarton Enumbi in Yambi village, Puncak Jaya, Papua.

A group of gunmen in Puncak Jaya shot and killed Brimob member Agus Suhendra on June 14. On August 4, unidentified gunmen shot and killed Atril Wahidin, a former driver for the head of Mewulok District.

On September 14, members of Brimob in Manokwari, West Papua, shot and killed Naftali Kwan and Septinus Kwan during a riot sparked by a traffic accident. On September 24, 11 Brimob officers were sanctioned in connection with the shooting. Four received 21 days in custody, the other seven received 14 days.

On November 28, five persons shot and killed one civilian and wounded six others in Nafri, Jayapura District. All of the victims were non-Papuan Indonesians.

In addition to killings by security forces and OPM, there were a number of violent incidents, including some killings by unknown parties in Papua and West Papua.

On April 14, three members of the Jakarta Public Order Agency were killed in rioting near the Jakarta port, Tanjung Priok. The mob reportedly believed it was protecting the tomb of an 18th century religious leader.

In April 2009 the North Jakarta police beat and shot Bayu Putra Perdana while he was in custody. According to a hospital autopsy, Bayu died as a result of torture. In response to Bayu's death, an ethics and administrative police committee sentenced two police personnel to 14 days detention, demotion, and an official reprimand.

In August 2009 members of Brimob killed tribal leader and former political prisoner Yawan Wayeni at his house in Mantembu village, Yapen Island, Papua. In May video footage of Wayeni's death appeared on the Internet. The video showed the police taunting and providing no assistance to Wayeni as he was dying, but does not show events leading up to his death. Police sources claimed Wayeni was armed with a home-made weapon, while Papuan activists claimed that he was unarmed.

No further information was available regarding the 2009 deaths of Mika Boma, Abet Nego Keiya, Melkia Agape, Fauzi Bin Syarifuddin, or Kelly Kwalik.

The C
Affair
the U
Exter
cons:
polici

In 2008 the South Jakarta District Court acquitted retired army general Muchdi Purwoprandjono on charges of planning the 2004 murder of human rights activist Munir Said Thalib. In July 2009 the Supreme Court upheld the acquittal and remanded the case to the district court. In 2009 the Attorney General's Office (AGO) stated it intended to file a motion requesting the Supreme Court to "review" the ruling but had not done so by year's end. Under the law the AGO must present new evidence or identify judicial inconsistencies in the original ruling for the review to be granted. The case was also under review by the Judicial Commission, a judicial oversight body.

In January 2009 an appeals court overturned a lower-court acquittal of Rohainil Aini as an accomplice in Munir's murder and sentenced her to one year in prison. However, at year's end Aini had not started serving her sentence.

b. Disappearance

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

In September 2009 the House of Representatives (DPR) approved the formation of an ad hoc court to pursue investigations of and possible prosecutions for the 1998 abductions of prodemocracy activists. By year's end the government had not established this ad hoc court.

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

The constitution states that every person shall have the right to be free from torture, inhuman, and degrading treatment. The law criminalizes the use of violence or force by officials to elicit a confession, punishable by up to four years in prison, but the criminal code does not specifically criminalize torture. In previous years law enforcement officials widely ignored and were rarely tried under this statute. The government made some efforts to hold members of the security forces responsible for acts of torture. In 2007 the UN special rapporteur on torture reported evidence of torture in many police detention facilities in Java. The special rapporteur reported that torture was common in certain jails and used to obtain confessions, punish suspects, and seek information that incriminated others in criminal activity. Torture typically occurred soon after detention. There were reports 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.

From January to September, Komnas HAM received 708 complaints of human rights violations against the National Police.

Abuse of detainees in Papua came under heightened scrutiny when, on October 16, a graphic video was posted on YouTube that showed several TNI personnel threatening one detainee, Telangga Gire, with a knife to the throat and applying a smoldering stick to the genitals of another detainee, Tunaliwor Kiwo. This was believed to have taken place on May 30 during a military operation in the Puncak Jaya region of Papua. Subsequently, this video was conflated with another incident in March, also captured on video, in which four TNI personnel beat and kicked several Papuan detainees. The four TNI personnel implicated in this latter incident, Second Lieutenant Cosmos, Private First Class Sahminan Lubis, Private Joko Sulistiono, and Private Dwi Purwanto, were court-martialed and sentenced to five to seven months' imprisonment for disobeying orders, exceeding orders, and encouraging others to do so. At year's end an investigation into the May 30 video apparently was underway.

Human rights activists and relatives of the detainees reported at least some of the 22 Republic of South Maluku (RMS) activists detained in early August were beaten (see section 2.a.).

On September 23, three military personnel from the 742nd Infantry Battalion/Satya Wira Yudha-Mataram allegedly assaulted a priest, Beatus Ninu, in Kupang Regency, after the priest asked the soldiers to quiet down. After an investigation, the case was passed to a military court for prosecution.

In December 2009 four Depok police officers detained J.J. Rizal for possible drug use and accused him of being a pickpocket. The officers abused Rizal, who suffered a cut lip, two contusions on his head, a bruised jaw, and ringing in the ears. On March 3, the officers were convicted and each sentenced to three months' imprisonment.

In December 2009 a civilian, accompanied by police officers from the Criminal Investigations Division of the Maluku Regional Police, reportedly beat Aan (one name only) while interrogating him in Jakarta. No information was available regarding action by the police Internal Disciplinary Unit.

There were numerous reports of alleged police abuse of prisoners throughout the year.

No further information was available regarding the cases of Carmadi, Monika Zonggonau, or Kiten Tabuni.

Between January and October in Aceh, 39 persons were caned publicly for violating Sharia laws dealing with gambling, adultery, consuming alcohol, and for selling food during the fasting month of Ramadan. Unlike in previous years, there were no reported cases of caning for being alone with persons of the opposite sex.

On July 15, the Langsa District Court in East Aceh District sentenced Muhammad Nazir and Feri Agus, Sharia Police members, to eight years in prison for the rape and torture of a 20-year-old female student while she was in custody.

On October 1, authorities in Jantho, Aceh Besar, publicly caned Murni binti Amris and Rukiah binti Abdullah for selling cooked rice during the day during the month of Ramadan.

On August 27, Muchtar bin Ibrahim was indicted under the antiterror law for the November 2009 shooting of a German Red Cross official in Aceh.

Mobs carried out vigilante justice, but reliable statistics on such actions were not available. There were instances in which police failed to respond to such violence, which was often triggered by thefts or perceived thefts.

Prison and Detention Center Conditions

Conditions at the country's 642 prisons and detention centers were sometimes harsh. Overcrowding was widespread. In Jakarta, occupancy frequently was two to three times more than recommended capacity. According to the government, the Pondok Bambu Detention Facility in Jakarta, designed for 500 prisoners, held 1,172. The facility has two types of cells, small and large. A small cell is approximately nine square yards and designed for one to two prisoners. According to NGOs, three to five prisoners were assigned to small cells. Authorities routinely assigned 20 to 30 prisoners to large cells designed to hold a maximum of 10 prisoners.

According to a team of international visitors that visited a number of prisons in August, all facilities had abundant outdoor and multi-use space that appeared to be underused. Prisoners were provided with food, potable water, and basic medical care. Conditions of confinement and treatment of prisoners in the facilities visited appeared to comply with the Standard Minimum Rules for the Treatment of Prisoners.

NGOs noted authorities sometimes did not provide prisoners adequate medical care. According to Ministry of Justice and Human Rights officials, the medical budget for some prisons is as low as 14,500 rupiah (\$1.65) per prisoner. Filep Karma, a prisoner in Abepura prison, received needed medical care in Jakarta on July 19, after waiting since August 2009. Advocates for Ferdinand Pakage, another prisoner in Papua, continued to raise funds so that he could receive needed eye treatment. Yusuf Sipakoly, a prisoner associated with the RMS separatist movement, died in custody on September 14, in Ambon, Maluku. Sipakoly reportedly did not receive sufficient care for a kidney condition.

Guards regularly extorted money from and mistreated inmates. There were widespread reports the government did not supply sufficient food to inmates, and family members often brought food to supplement their relatives' diets. Family members reported prison officials often sought bribes to allow relatives to visit inmates. Officials held unruly detainees in solitary confinement for up to six days on a rice-and-water diet. According to government figures, 842 prisoners died during the year, compared with 778 in 2009.

In November 2009 detained Papuan activist Buchtar Tabuni was beaten at Abepura Class II Penitentiary, sparking riots involving protesters both inside and outside the prison the next day. The authorities implicated and detained three TNI personnel and a police officer for allegedly beating Buchtar. In a separate case, Buchtar was moved from Abepura Penitentiary to a police detention center on December 3 and charged with fomenting a prison riot.

According to The International Centre for Prison Studies, prison capacity was designed for 76,550 inmates; however, there were more than 140,000 prisoners, including approximately 2,500 juveniles and 11,000 women. There are six women-only prisons in the country, including five in Java and one in North Sumatra. According to the Directorate General for Corrections, as of March there were 2,609 juvenile detainees and 2,589 juvenile prisoners.

Lack of prison capacity, limited number of personnel, and poor prison conditions were found throughout the East Java prison system. Total provincial prison capacity was designed for 10,000 inmates; there were more than 16,000 inmates. In Medaeng Prison in Surabaya, there were more than 1,600 inmates, although the prison's designed capacity is for 500 inmates.

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

Prisoners were permitted religious observance. Prisoners and detainees had reasonable access to visitors, although this access reportedly was limited in some cases. The government actively monitors prison and detention center conditions.

Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegation of inhumane conditions.

Since February 2009 the government has denied the International Committee of the Red Cross (ICRC) access to monitor prison conditions and treatment of prisoners nationwide. In addition, the government requested the ICRC to close field offices in Aceh and Papua Provinces. Negotiations continued throughout the year to restore ICRC access to Papua.

The national ombudsman can serve on behalf of prisoners and detainees on a variety of issues, including monitoring conditions and treatment of prisoners; addressing the status and circumstances of confinement of juvenile offenders; and improving pretrial detention, bail, and recordkeeping procedures to ensure that prisoners do not serve beyond the maximum sentence for the charged offense. In the past, the ombudsman has investigated prison issues and communicated his findings to the minister of law and human rights and the Supreme Court. The Ombudsman's Office and

the Directorate General for Correctional Facilities have signed a Memorandum of Understanding on Supervision of Public Service for detainees and prisoners.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The president appoints the national police chief, subject to confirmation by the DPR. The police chief reports to the president but is not a full member of the cabinet. The Indonesian National Police (INP) has 374,526 personnel deployed in 31 regional commands in 33 provinces. The police maintain a centralized hierarchy; local police units formally report to the national headquarters. The military is responsible for external defense but also has a residual obligation to support the police with its domestic security responsibilities. On July 16, a presidential decree formally established a new Counterterrorism Agency (BNPT). The BNPT is to coordinate the government's counterterrorism policy and activities. In Aceh the Sharia Police, a provincial body, is responsible for enforcing Sharia.

The Internal Affairs Division and the National Police Commission within the INP investigates complaints against individual police officers. Additionally, Komnas HAM and NGOs conducted external investigations with the knowledge and cooperation of the police. During the year, 682 officers were charged criminally and 5,437 received disciplinary infractions.

In January 2009 the Ministry of Law and Human Rights approved the Use of Force Police Action Policy, which among other things requires that whenever force is used or whenever a citizen or police officer is injured as a result of use of force a Use of Force Resistance Control Form must be completed. Implementation of this policy and training continued throughout the year.

From January to September, Komnas HAM received 708 complaints of human rights violations against the National Police. In December Komnas HAM announced at a press conference that during the year there were 30 cases of abuse committed during interrogations.

In June 2009 the INP implemented regulations that standardized human rights regulations in the normal course of police duties. However, impunity and corruption remained problems in some provinces.

Arrest Procedures and Treatment While in Detention

The law provides prisoners with the right to notify their families promptly and specifies that warrants must be produced during an arrest. Exceptions are allowed if, for example, a suspect is caught in the act of committing a crime. The law allows investigators to issue warrants; however, at times authorities made arrests without warrants. A defendant may challenge the legality of his arrest and detention in a pretrial hearing and may sue for compensation if wrongfully detained; however, defendants rarely won pretrial hearings and almost never received compensation after being released without charge. Military and civilian courts rarely accepted appeals based on claims of improper arrest and detention.

The law limits periods of pretrial detention. Police are permitted an initial 20-day detention, which can be extended to 60 days by the prosecutors while the investigation is being completed; prosecutors may detain a suspect for a further 30 days during the prosecution phase and may seek a 20-day extension from the courts. The district and high courts may detain a defendant up to 90 days during trial or appeal, while the Supreme Court may detain a defendant 110 days while considering an appeal. Additionally, the court may extend detention periods up to another 60 days at each level if a defendant faces a possible prison sentence of nine years or longer or if the individual is certified to be mentally disturbed. During the year authorities generally respected these limits in practice. The antiterrorism law allows investigators to detain

for up to four months before charges must be filed any person who, based on adequate preliminary evidence, is strongly suspected of committing or planning to commit any act of terrorism.

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

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

e. Denial of Fair Public Trial

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

Widespread corruption throughout the legal system continued (see section 4), which specialized task forces in the AGO effectively prosecuted.

During the year hundreds of low-level and sometimes mid-level soldiers were tried in military courts, including for offenses that involved civilians or occurred when soldiers were not on duty. If a soldier was suspected of committing a crime, military police investigated and then passed their findings to military prosecutors, who decided whether to prepare a case. Under the law, military prosecutors are accountable to the Supreme Court; however, military prosecutors were responsible to the TNI for the application of laws.

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

NGO sources stated some military court proceedings all the way to the Supreme Court were not public; however, the November court-martial of four soldiers for beating a Papuan detainee was public (see section 1.c.).

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

Under the Sharia 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 Sharia regulations were procedurally ambiguous. For example, defendants had a right to legal aid, but this right was inconsistently implemented. Although Sharia 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 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 804 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 an attorney be appointed if the defendant is indigent and requests counsel. In theory indigent defendants may obtain private legal assistance, and NGO lawyer associations provided free legal representation to indigent defendants. The law extends these rights to all citizens. In some cases procedural protections, including those against forced confessions, were inadequate to ensure a fair trial. With the noted exceptions of Sharia and military trials, trials are public.

Political Prisoners and Detainees

In early August the authorities arrested a number of RMS activists in Ambon for allegedly planning to fly banned RMS flags during an August 3 visit by President Yudhoyono. Among those arrested were Benny Sinay, Izak Sapulete, Andy Marunaya, Edwin Muranay, Ongen Krikof, Marven Bremer, Steven Siahaya, Ony Siahaya, and Jacob Sinay. The arrests apparently were meant to forestall a repetition of the 2007 incident when 22 traditional war (cakalele) dancers, including Johan Teterisa, displayed a banned separatist flag during President Yudhono's visit to Ambon. The 22 were serving sentences--ranging from seven to 20 years--in penitentiaries in Java and Ambon. On appeal, the court reduced Teterisa's sentence from life to 15 years.

A number of Papuan independence activists, including Filep Karma, were in detention for raising a banned separatist flag. In July Karma received medical treatment at a Jakarta hospital and was later returned to Abepura prison in Papua. Another activist imprisoned for a flag raising, Yusak Pakage, received a pardon on July 8.

In November 2009 Samuel Yaru and Luther Wrait raised a banned separatist flag in front of the Papua People's Council. On August 12, they were sentenced to one year in prison, less time already served.

According to international NGOs Human Rights Watch and Amnesty International, there were more than 83 persons in prisons throughout the country for flag raising or other nonviolent political offenses.

Civil Judicial Procedures and Remedies

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

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

The law requires judicial warrants for searches except for cases involving subversion, economic crimes, and corruption. The law also provides for searches without warrants when circumstances are "urgent and compelling."

Security officials occasionally broke into homes and offices. Authorities occasionally conducted warrantless surveillance on individuals and their residences and monitored telephone calls.

In some parts of the country, particularly in Kalimantan and Papua, residents believed government-sponsored transmigration programs, which move households from more densely populated areas to less-populated regions, interfered with their traditional ways of life, land usage, and economic opportunities. Although the number of new persons in transmigration was significantly less than in previous years, the government continued to support financially approximately 8,800 households moved in 2009 from overpopulated areas to isolated and less-developed areas in 26 provinces.

The government used its authority, and at times intimidation, to expropriate land for development projects, often without fair compensation. In other cases state-owned companies were accused of endangering resources upon which citizens' livelihood depended. 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 the decree served the interests of wealthy developers at the expense of the poor.

During the year security forces allegedly used excessive force while evicting individuals involved in land disputes. During the year evictions of squatters living on government land and of street vendors continued to decrease. Jakarta Legal Aid (LBH Jakarta) reported that during the year there were 55 cases reported related to land-rights violations in Jakarta, including evictions and land disputes. According to city officials, the Jakarta administration carried out evictions during the year, forcing persons out of their homes.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and the law provide for freedom of speech and freedom of the press; however, the government at times restricted these rights in practice. Politicians and powerful businessmen filed criminal or civil complaints against journalists whose articles they found insulting or offensive; some journalists faced threats of violence. Nonetheless, a vigorous, independent media operated in the country and expressed a wide variety of views, generally without restriction. In 2007 the Constitutional Court annulled or ruled unconstitutional various provisions of the criminal code that provided special protections to the president, the vice president, and the government.

On April 19, the Constitutional Court rejected a motion to strike down the 1965 Blasphemy Law. Under the law, "spreading religious hatred, heresy and blasphemy" is punishable by up to five years in prison.

On October 5, the Supreme Court restored the broadcast license of Chinese-language, Falun Gong-affiliated Radio Era Baru, and the station resumed broadcasting. It was forced to stop broadcasting following a court decision in March and had been battling the government over its license since 2007.

The Indonesian Press Legal Aid (LBH Pers) reported that during the year, there were at least 37 physical and 29 nonphysical cases of media intimidation.

During the year a number of journalists died under suspicious circumstances. On July 30, police in Merauke, Papua, found the body of freelance journalist Ardiansyah Matra'is. Matra'is reportedly received threatening messages in the preceding days from unknown individuals. On August 21, television reporter Ridwan Salamun was stabbed and killed while filming a fight between two villages in Southeast Maluku. The International Federation of Journalists claimed local police knew who killed Salamun but made no effort to arrest the perpetrators. The body of Alfrets Mirulewan, chief editor of the *Pelangi Weekly*, was found on Kisar, Maluku, on December 17, sparking widespread condemnation. Photographs of Mirulewan allegedly show bruises on his face and scratch wounds on his knees. NGO sources reported Mirulewan was investigating

the illegal sale of gasoline on Kisar and the possible involvement of police officers. At year's end authorities were still investigating, and results of an autopsy were not publicly available.

On February 15, the Bali State Court sentenced Nyoman Susrama, Komang Gede, and Ida Bagus Narbawa to a life sentence, 20 years in jail, and five years in jail, respectively, for their involvement in the February 2009 murder of *Radar Bali* journalist Anak Agung Prabangsa.

Reporters also faced violence and harassment during the year. On May 19, Ahmadi, a journalist with *Harian Aceh*, wrote a news story on a logging business run by the local Alapan Military Sub-District Command. Although officials from the district command requested he not publish information on the business, *Harian Aceh* published the article on May 21. That same day, Kardiar, a military officer from the Simeleu Military District Command, assaulted Ahmadi. At year's end no charges had been filed.

On July 6, two unknown individuals on motorcycles attempted to firebomb the offices of the *Tempo* weekly magazine. No injuries were reported. The attack came one week after *Tempo* had run a feature on suspiciously large police bank accounts. *Tempo* also faced a lawsuit from the police.

On July 13, police beat and kicked three journalists reporting on police brutality in handling demonstrations in Dobo City of Aru Island Regency in Southeast Maluku. Police also took the journalists' cameras and deleted all the pictures.

On September 1, in Karanganyar, Central Java, Lieutenant Colonel Lilik Sutikna assaulted Triyono, a *Solo Pos* journalist, after Triyono reported on allegations of corruption that implicated Lilik. The regional military commander relieved Lilik of command pending an internal investigation.

During the year a trend of persons accused of corruption or involved in civil disputes filing criminal and civil defamation complaints with police continued.

On September 7, Tommy Suharto, a son of the former president, sued the national airline, Garuda Indonesia, and its in-flight magazine over an article that referred to him as a "convicted murderer."

In July 2009 Kho Seng Seng and Winny Kwee were convicted of defamation and given six-month suspended sentences and one year of probation each. Both had submitted letters to editors of different newspapers complaining about a property developer. At year's end their cases still were pending appeal at the Supreme Court.

In September 2009 the Jakarta police identified human rights activist Usman Hamid as a suspect for alleged defamation and slander against former State Intelligence Agency deputy chief Muchdi Purwopranjono. At year's end the case was still pending.

In January 2009 Illian Deta Arta Sari and Emerson Yuntho, staff members of the NGO Indonesia Corruption Watch, were identified as suspects in a criminal defamation case after criticizing the AGO's record of asset recovery, citing an official audit document. They received a notice of complaint in October 2009. At year's end the case was still pending.

Although the Papua Special Autonomy Law permits flying a flag symbolizing Papua's cultural identity, a government regulation prohibits the display of the Morning Star flag in Papua, the RMS flag in Maluku, and the Crescent Moon flag in Aceh.

Between August 2 and 9, police arrested 21 activists who planned to display a banned separatist flag during President Yudhoyono's visit to Ambon on August 3 (see section 1.e.). Police seized 14 flags and 133 pamphlets carrying a statement requesting the release of Maluku and Papua separatists. No RMS flags were displayed and no protests occurred during President Yudhoyono's visit in August.

In April 2009 Musa Tabuni, Serafin Diaz, and Yance Mote were arrested and charged with subversion and separatism following a West Papua National Committee Customary Council meeting in Jayapura. As of the end of September, they were released pending appeal of their cases to the Supreme Court.

The government continued to restrict foreign media, NGO, and government personnel 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.

Internet Freedom

According to International Telecommunication Union statistics for 2009, approximately 12 percent of the country's inhabitants used the Internet.

The 2008 Information and Electronic Transaction Law, meant 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 (\$110,000) or both. The Information and Communication Ministry Web site offered free software to block Web sites with adult content.

The minister of information requested Internet service providers to block access to pornographic Web sites starting on August 11, the first day of the month of Ramadan. On September 27, the minister requested citizens report pornographic Web sites to the government, in order to block them.

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

Academic Freedom and Cultural Events

In 2008 the DPR passed an antipornography bill. Critics considered its definition of pornography too broad and feared 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. In February 2009 the Constitutional Court began consideration of a complaint the law violates freedom of religion and expression tenets of the constitution. On March 25, the Constitutional Court held that the antipornography bill did not violate the constitution.

During the year the government-supervised Film Censorship Institute continued to censor domestic and imported movies for content deemed pornographic or religiously offensive. As recently as December 2009, politically sensitive films also were censored; however, no films were banned during the year.

On October 14, the Constitutional Court struck down a long-standing law that gave the AGO the authority to ban written material, deeming it unconstitutional. In its decision, the Constitutional Court stated the AGO still maintains the authority to monitor written material and to request a court order to ban written material.

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.).

During the year there were a number of large demonstrations throughout Papua. Demonstrators complained of police overreaction and undue use of force; police said demonstrators initiated the violence by throwing rocks and employing traditional weapons such as arrows and spears. Police broke up a demonstration in Manokwari, West Papua, on April 22, claiming demonstrators had not obtained proper permits. On August 2, police broke up another demonstration in Manokwari due to permit issues.

On September 27, police arrested 30 activists peacefully protesting the government's failure to implement an ad-hoc tribunal to investigate cases of disappearances as recommended by parliament in 2009 (see section 1.b.). Police held the activists for several hours at a police station before releasing them.

Freedom of Association

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

Members of Ahmadiyah have not held any national conferences since 2008, when the Bali police refused to issue them a permit.

c. Freedom of Religion

For a description of religious freedom, please see the Department of State's *2010 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 (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

The government prevented at least 356 persons from leaving and 528 from entering the country during the year. The immigration office prevented these departures at the request of the police, the AGO, the Anticorruption Commission (KPK), and the Department of Finance. Some of those barred from leaving were delinquent taxpayers, convicted or indicted persons, individuals implicated in corruption cases, and persons otherwise involved in legal disputes.

The constitution prohibits forced exile, and the government did not use it. In May the government restored the citizenship of OPM founder Nicholas Jouwe who returned to the country after 40 years of self-imposed exile.

Internally Displaced Persons (IDPs)

In March 2009 the Internal Displacement Monitoring Center reported there were between 70,000 and 120,000 IDPs in the country. Many were displaced due to natural disasters, but there were also persons in Papua and West Papua displaced by clashes between the security forces and OPM. According to the Aceh Recovery Body, only 1,500 IDPs remained in Aceh. According to the International Organization for Migration (IOM), IDPs from the September 2009 West Sumatra earthquake have largely returned to their homes. In the aftermath of the 2008 mudflow in Porong, all mudflow refugees left the Porong Market Camp and were staying in temporary houses or rented houses while awaiting full compensation payments. In July Porong Market started to operate as a market again. The government permitted domestic and international humanitarian organizations to access IDP-hosting areas and to assist IDPs. The government did not attack or target IDPs or forcibly return or resettle IDPs under dangerous conditions. IDPs generally struggled with poor housing, food insecurity, poor access to land, and limited access to education and other basic services, according to the Internal Displacement Monitoring Center.

Protection of Refugees

The country's law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. There were varying estimates of the number of refugees and asylum seekers in the country. Through the end of September, the UNHCR recognized 557 refugees and 2,882 asylum seekers. The IOM estimated 1,404 refugees or asylum seekers. The government reported 1,642 refugees or asylum seekers. Some were applicants, and others were dependents. Most were from Sri Lanka, Iraq, Afghanistan, or Burma.

The government prohibited refugees from working and accessing public elementary education.

During the year the government reportedly agreed to release nearly 200 UNHCR-registered refugees in detention centers into the care of IOM.

Approximately 75,000 ex-East Timorese refugees resided in West Timor. During 2005-09, the government provided 11,000 houses for 55,000 former refugees in Kupang, Timor Tengah Selatan, Timor Tengah Utara, and Belu regencies. Approximately 500 families remained in a shelter in Kupang. Conflicts, mostly involving land disputes, between local people and former refugees sometimes occurred.

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 July 2009 President Yudhoyono was reelected overwhelmingly in generally free and fair elections.

In April 2009 the country conducted its third democratic legislative elections. These were a complex affair with voters receiving ballots for the DPR, the DPD, provincial parliaments, and regency and city councils. Thirty-eight national parties competed in the elections, with an additional six parties in Aceh Province only. Irregularities occurred, requiring 245 reruns

in 10 provinces. Observers concluded the vast majority of irregularities involved logistical difficulties (primarily due to faulty voter list data) rather than malfeasance. Some violence and intimidation also marred the legislative election campaign in Aceh, Papua, and West Papua. In general, domestic and foreign observers found the elections free and fair.

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

All adult citizens, age 17 or older, are eligible to vote except active members of the military and the police, convicts serving a sentence of five years or more, persons suffering from mental disorders, and persons deprived of voting rights by an irrevocable verdict of a court of justice. Married juveniles are legally adults and allowed to vote.

In 2007 the Constitutional Court ruled independent candidates could run for local office and that a political party's nomination was not required.

During the year there were 244 regional elections scheduled; there were also elections for seven governors and 237 mayors/regents. In August, of 57 candidates not identified with a political party, only one was victorious, in the district of Sidoarjo, East Java.

During the year the Constitutional Court received 230 requests to adjudicate election disputes. Of these, 224 were decided, with 26 rulings in favor of complainants. As a result of the decisions, there were election reruns in Surabaya, Manado, and Merauke. In addition, the court called for election reruns in Mandailing Natal and in South Tangerang City. At year's end six cases were pending.

In a few isolated cases, local elections led to civil disturbances. For example, on May 21, supporters of a candidate disqualified because he had not passed a required medical examination rioted in Mojokerto, East Java. The rioters attacked official buildings and burned dozens of official cars. Thirteen persons were injured. Despite this incident, the June 7 election went smoothly.

In other cases, on June 1, supporters of a disqualified candidate for regent burned ballots and ballot boxes in seven district offices in Toli-Toli, Central Sulawesi. On June 8, approximately 400 supporters of a losing candidate clashed with police personnel and threw stones at the election commission office in Bima, West Nusa Tenggara. The crowd also destroyed a political party's office and burned a car. Clashes broke out again on June 14, injuring dozens of persons.

In South Sulawesi, on June 23, thousands of persons threw stones and destroyed the election commission office in Tana Toraja, claiming the election commission was not neutral. They also burned ballot papers, burned cars, and destroyed four district offices, the speaker of the local parliament's residence, the election monitoring board's office, and the Golkar office. On June 26, thousands of supporters of six losing candidates rioted in Soppeng. They burned the election commission's office, burned dozens of ballot boxes, and destroyed four district offices. Also on June 26, an unidentified group of people threw Molotov cocktails at the Tanralili district office in Maros following local elections in this regency. A clash also broke out on the same day between supporters of two candidates in Gowa. No casualties were reported in this clash.

There are no legal restrictions on the role of women in politics. A law on political parties mandated that women make up 30 percent of the founding members of a new political party. An election law, which included a nonbinding clause for parties to select women for at least 30 percent of the candidate slots on their party lists, ensured parties put forward more

women candidates. The Constitutional Court invalidated this clause when it struck down the law and ruled voters for the first time could directly elect their representatives, regardless of their position on party lists. The number of women in parliament increased significantly, from 11 percent to 18 percent of the DPR seats in the April 2009 elections. During the year women held five of 37 cabinet-level positions.

At the provincial level, there was one female governor and one vice governor. Women held disproportionately few leadership positions in local government in some provinces; for example, in Aceh the highest position held by a woman was that of deputy mayor, in the city of Banda Aceh.

Women played an increasingly important political role in East Java. The number of female members of the Surabaya city parliament increased from four in the previous parliament to 15, or 30 percent of the total. In the East Java provincial parliament, the female members of parliament increased from 16 percent to 19 percent of the total. More women also became regents and mayors in East Java, such as the regent of Tuban, the regent of Banyuwangi, and the Surabaya mayor.

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 Qur'an in Arabic, there were no legal restrictions on the role of minorities in politics. There were no official statistics on the ethnic backgrounds of legislators in the DPR. President Yudhoyono's cabinet consisted of a plurality of Javanese, with others being of Sundanese, Bugis, Batak, Acehnese, Papuan, Balinese, and Chinese heritage.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. Despite the arrest and conviction of many high-profile and high-powered officials, there was a widespread domestic and international perception that corruption was a part of daily life. Both the KPK and the AGO under the deputy attorney general for special crimes have jurisdiction over investigation and prosecution of corruption cases. During the year the KPK conducted 62 inquiries, 55 investigations, and 55 prosecutions. As a result of the KPK's prevention and prosecutorial activities, it recovered a total of approximately 170 billion rupiah (approximately \$18.8 million) in state assets. In addition, it prevented the loss of more than 500 billion rupiah (\$55.5 million) in state assets, according to the KPK's annual report. Between January and November, the AGO reported recovering 354.6 billion rupiah (\$34.9 million).

Widespread corruption throughout the legal system continued. Bribes and extortion influenced prosecution, conviction, and sentencing in civil and criminal cases. During the year the National Ombudsman Commission reported receiving 160 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 cases often moved very slowly unless a bribe was paid.

As a result of an independent fact-finding team's investigation, President Yudhoyono formed a Task Force to Eradicate Judicial Mafia to investigate the network of case brokers and influence peddlers who act as intermediaries in judicial cases. As of December 9, the task force had received 3,483 complaints, with 667 cases related to land rights issues; 397 cases related to corruption, collusion, and nepotism; 262 cases of fraud and embezzlement; and 135 cases of extortion, bribery, abuse of authority, and document forgery.

Police commonly extracted bribes ranging from minor payoffs in traffic cases to large bribes in criminal investigations. Corrupt officials sometimes subjected migrants returning from abroad, particularly women, to arbitrary strip searches, theft, and extortion.

On September 1, the KPK named 25 suspects, primarily former and current members of parliament, as suspects in a bribery case related to vote buying during the 2004 selection of the Bank of Indonesia's senior deputy governor. At the end of the year, however, they had not questioned Nunun Nurbaeti, who allegedly distributed billions of rupiah in traveler's checks to buy votes to help elect Miranda Goeltom.

On March 31, Gayus Tambunan, a tax directorate official, was arrested in Singapore on corruption charges. Gayus allegedly bribed police, prosecutors, and a judge during an investigation of his case in tax court. Following his arrest, police investigated and arrested several persons in the police Criminal Investigations Division (CID). Following this arrest, Gayus allegedly bribed prison officials to obtain temporary release from prison on a number of occasions and reportedly led an active social life including international travel.

On May 10, police arrested Susno Duadji, former head of the CID, on suspicion of involvement in several corruption cases.

On August 4, the Supreme Court found As'ad Syam, regent of Muarojambi during the 1999-2004 period, guilty of corruption in the misuse of the regional government budget and sentenced him to four years' imprisonment.

Anticorruption reform appeared to have become a tool in a political power struggle with legislators and others criticizing members of President Yudhoyono's administration over the 2008 bailout of Bank Century. At year's end neither the KPK nor other investigators had found any evidence of fraud on the part of the government in the bailout. KPK leadership continued to come under attack during the year, in particular deputy commissioners Bibit Samad Rianto and Chandra M. Hamzah.

By law, senior government officials, as well as other officials working in certain agencies, are required to file financial disclosure reports.

On April 30, the 2008 Freedom of Information Act, which grants citizens access to governmental information and provides mechanisms through which citizens can obtain such information, came into effect. The law allows for a protected class of "secret" information, including information on: state defense and security; law enforcement investigation and activities; public officials; and business interests of state-owned enterprises. At year's end many government entities were unprepared to implement the law.

The Alliance of Independent Journalists reported no problems for the media in obtaining unclassified public documents from the government.

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

Domestic human rights organizations operated throughout the country and actively advocated for improvements to the government's human rights performance; the government met with local NGOs, responded to their inquiries, and took some actions in response to NGO concerns. However, some government officials, particularly in Papua, subjected the organizations to monitoring, harassment, and interference as well as threats and intimidation. Activists said intelligence officers took their pictures surreptitiously and sometimes questioned their friends and family members regarding their whereabouts and activities.

On July 8, unidentified persons assaulted Tama Langkun, an activist with Indonesia Corruption Watch who was investigating a police corruption case. At year's end, police had made no arrests related to this case.

Other human rights and anticorruption activists reported threatening messages and other intimidation.

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 occurred 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 2008 the AGO rejected Komnas HAM's recommendations to file charges in four incidents dating from 1998 to 2004 including Wamena-Wasior, Trisakti, Semanggi I and II, and forced disappearances.

In September 2009 the DPR approved the formation of an ad hoc tribunal that could investigate and prosecute the disappearance of human rights activists. Twenty-four human rights activists and students disappeared between 1997 and 1998; 10 later resurfaced, accusing the military of kidnapping and torture. One body was found, and 13 activists remained missing. However, parliament failed to approve action regarding other cases of human rights violations that occurred before 2000. By year's end the government had not established this tribunal.

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

In 2008 the Commission on Truth and Friendship (CTF), established by the governments of Indonesia and Timor-Leste in 2005 to address human rights violations committed in Timor-Leste in 1999, delivered its final report to the two governments' presidents. The report recognized 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 emphasizing that the military remain neutral in political controversies and elections and enhanced authority for institutions charged with investigation and prosecution for human rights violations. The government disseminated the CTF recommendations within the government, and a variety of ministries began carrying out the recommendations.

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

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Reliable nationwide statistics on the incidence of rape continued to be unavailable. The legal definition of rape is narrow and excludes marital rape. Light sentences continued to be a problem. Rape is punishable by four to 14 years in prison, and the government imprisoned perpetrators for rape and attempted rape; however, many convicted rapists were given the minimum sentence.

The law prohibits domestic abuse and other forms of violence against women. However, domestic violence was a problem. Violence against women remained poorly documented by the government. Nationwide figures were unavailable. Officials from the Ministry of Women Empowerment stated that 11,469 cases of violence against women were reported from 20 provinces during the year. 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 domestic violence was the most common form of violence against women.

Social pressure forced many women not to report spousal abuse. Through the month of October, the Women's Legal Aid Foundation received 722 complaints of spousal abuse, including rape and sexual harassment. Two types of crisis centers were available for abused women: government-run centers in hospitals and NGO centers in the community.

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

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

International sex tourism and child sex tourism 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 is actionable under the criminal code.

The government recognizes the right of individuals and couples to choose the number, spacing, and timing of children. Although the government subsidized and provided access to contraception throughout the country, women were sometimes denied the opportunity to select the contraceptive methods best suited to their needs or preferences, according to a November Amnesty International report. The report indicated that unmarried women in particular were not provided adequate access to contraceptives. According to NGOs, 55 percent of married women used contraception. According to the 2007 Demographic and Health Survey, 93 percent of women received medical prenatal care. The maternal mortality ratio according to 2008 UN statistics was 240 per 100,000 live births. Informed sources believed that 79 percent of women had skilled birth attendants at delivery and 32 percent received prenatal or postnatal obstetric care. Government policy provides that women and men had equal access to diagnosis and treatment for sexually transmitted infections, including HIV.

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

Divorce is available to both men and women. Many divorcees received no alimony, since there was no system to enforce such payments. If there is no prenuptial agreement, joint property is divided equally. The law requires a divorced woman to wait 40 days before remarrying; a man can remarry immediately. The government continued to implement Sharia 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 Sharia police. The most visible impact on women's rights appeared to be the enforcement of dress codes. It was not uncommon for Sharia police to briefly stop and lecture women whose dress did not conform to local Sharia requirements on appropriate attire.

Local governments and groups in areas outside Aceh also undertook campaigns to promote conformity by women with the precepts of Sharia. Local regulations in some areas mandated the wearing of Islamic dress by government employees. 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; however, there has been progress in that area. According to International Labor Organization (ILO) reports, women's hourly wages as a percentage of men's wages increased from 78 percent in 2004 to 83 percent in 2008. Women in administrative and managerial jobs reportedly earned more than their male counterparts in 2008. However, women were still underrepresented at the managerial level. 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. Like their male counterparts, many female factory workers were hired as day laborers instead of as full-time permanent employees, and companies were not required to provide benefits, such as maternity leave, to day laborers. By law, if both members of a couple worked for a government agency, the couple's head-of-household allowance was given to the husband.

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

Children

Citizenship is acquired primarily through one's parents; however, it can be acquired through birth in national territory. Although the law provides for free birth registration, it was not enforced, and approximately 30 percent of citizen births were not registered. Without birth registration, families may face difficulties in accessing government-sponsored insurance benefits and enrolling children in schools. It was often impossible to be certain of a child's age, and ages were falsified on identity cards, sometimes with the cooperation of government officials.

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

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

The national government provided educational assistance to 2.2 million of the 26 million elementary school students, 10 percent of whom were from poor families. The government categorized as poor a person earning 250,000 rupiah (\$28) or less per month.

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

FGM was practiced in many parts of the country, and there are no laws specifically banning the practice. Complications from the FGM surgical procedures reportedly were minimal. Some NGO activists dismissed any claims of mutilation, saying the ritual as practiced in the country was largely symbolic. In 2007 the minister of women's empowerment called for a complete ban of the practice. In 2006 the Ministry of Health banned FGM by doctors and nurses. However, symbolic female circumcisions that did not involve physical damaging of the child could be carried out, and violators of the ban did not face prosecution. According to NGOs, the practice remains prevalent in the country. NGO activists said that female circumcision was seen as a religious duty.

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 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 and impoverished areas.

According to ILO data from 2007, there were 21,000 child prostitutes in Java. Nationally, the ILO estimated 40,000 to 70,000 children were the victims of sexual exploitation. Many teenage girls were forced into prostitution, often through debt bondage. NGOs and government officials believe the number is rising.

Although government policy was not to detain or imprison victims of child sexual exploitation, some victims reportedly were treated as criminals and penalized for prostitution activities. Corrupt civil servants issued falsified identity cards to underage girls, facilitating entry into the sex trade. There also were reports of sexual exploitation of boys. The country was a destination for child sex tourism. During the year NGOs reported that pedophile rings continued to operate in Bali. NGO observers said many girls were forced into prostitution after failed marriages entered into when they were 10 to 14 years of age. There was no obvious violation of the law because their paperwork identified them as adults due to the fact that they were once married.

Wahana Visi, an NGO in Surabaya, found that most of the 300 children living in the Dolly prostitution area in Surabaya experienced abuse and violence. The East Java Integrated Service Center recorded 253 cases of violence against children in 2009 and 149 cases between January and June.

Komnas Perlindungan Anak reported that during the year, it received 2,335 complaints regarding cases of violence against children.

In a February survey of 736 street children in Jakarta and Depok by the Ministry of Social Affairs, 14 children admitted they have been victims of sexual abuse, 31 had been raped, and 175 suffered physical abuse. The ministry estimated there were 230,000 street children, and, at least in some areas, the percentage of girls among street children seemed to be growing.

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

There is no statutory rape law or an established age for consensual sex. The 2008 Pornography Law prohibits child pornography and establishes penalties.

Substantial numbers of street children were apparent in Jakarta and the provinces of East Java, West Java, North Sumatra, and South Sulawesi. At the end of the year, officials from the Ministry of Social Affairs reported that there were at least 8,000 street children living in Jakarta. East Java was home to more than 8,200 street children, many reportedly susceptible to sexual abuse and violence. Approximately 40 shelters in the province provided services to such children. According to the Ministry of Social Affairs, at the end of the year there were 1,030 children under the supervision of various rehabilitation centers in Jakarta. The government continued to fund other shelters administered by local NGOs and paid for the education of some street children.

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

During the year the Directorate General of Corrections reported that there were 2,054 children in the prison and detention center population. NGOs reported that the government paid little attention to the rights of juvenile offenders. Juveniles were held in the same detention facilities as adults during pretrial and trial phases of detention and frequently experienced abuse while in detention. According to the government, 5,760 children received jail sentences during the year.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

The Jewish population was extremely small. On June 6, demonstrators gathered outside the Beth Hashem synagogue in Surabaya, East Java, to protest Israeli government actions related to the Gaza relief flotilla incident. Protesters burned the Israeli flag and tried unsuccessfully to enter the synagogue. There were no injuries or damage to the synagogue. Although the government promoted tolerance education in primary schools, there was no specific curriculum devoted exclusively to anti-Semitism education.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The government classifies persons with disabilities into three categories: physically disabled, intellectually disabled, and physically and intellectually disabled. These categories are further divided for schooling. The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. The law also mandates accessibility to public facilities for persons with disabilities; however, the government did not enforce this provision. The government estimated that approximately 3.7 percent of the population had a disability. However, one NGO found 16.8 percent of the population in West Java had a significant hearing deficiency.

The government restricts the rights of persons to vote or participate in civil affairs by not enforcing accessibility laws.

Few buildings and virtually no public transportation facilities were accessible to persons with disabilities. The law requires companies that employ more than 100 workers to set aside 1 percent of positions for persons with disabilities. However, the government did not enforce the law, and persons with disabilities faced considerable discrimination.

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

Access to information and communications technology for persons with disabilities is limited. The government taxes hearing aids as electronics, rather than medical equipment, making them prohibitively expensive.

On September 15, Garuda Indonesia Airlines blocked Irwan Subena, a blind passenger, from boarding his return flight from Makassar to Denpasar.

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 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 2008-09 government statistics, there were 1,686 schools dedicated to educating children with disabilities, 1,274 of them run privately. According to NGOs, more than 90 percent of blind children were illiterate. Some young persons with disabilities resorted to begging for a living. Children with disabilities were sent to separate schools, and mainstream education was extremely rare. The country's universities did not offer a degree in special education.

During the year NGOs reported that people with disabilities were housed in care facilities in unsafe, dirty conditions throughout Riau Province. The government has taken no action.

The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities. To date, they have taken no actions to improve respect for the rights of persons with disabilities.

National/Racial/Ethnic Minorities

The government officially promotes racial and ethnic tolerance. Ethnic Chinese accounted for approximately 3 percent of the population, played a major role in the economy, and increasingly participated in politics. However, some ethnic Chinese noted that, despite recent reforms, public servants still discriminated against them when issuing marriage licenses and in other services and often demanded bribes for a citizenship certificate, although such certificates were no longer legally required. A number of articles of law, regulation, or decree discriminated against ethnic Chinese citizens. NGOs such as the Indonesia Antidiscrimination Movement urged the government to revoke the remaining discriminatory articles. Discussions of corruption on local blogs at times degenerated into racial diatribes.

Indigenous People

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

Human rights activists asserted 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.

In Tarakan, East Kalimantan, tensions between migrant Bugis and indigenous people turned violent; between September 26 and September 30, five persons died in communal fighting sparked by the death of an indigenous person, reportedly at the hands of migrant Bugis.

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

The 2008 Pornography Law bans gay and lesbian sex. In addition, local regulations across the country criminalize gay and lesbian sex. According to NGOs, many persons characterized lesbian, gay, transgender, and bisexual (LGBT) issues as socially taboo. The government took almost no action to prevent discrimination against LGBT persons, and in some cases failed to protect LGBT individuals from societal abuse. Police corruption, bias, and violence caused LGBT individuals to avoid interaction with police. Sharia police in Aceh reportedly harassed transgender individuals. NGOs reported LGBT individuals were sometimes ostracized by religious groups, family members, and the general public.

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

On March 26-28, hundreds of activists from a number of hard-line Muslim groups, including the Islamic Defenders Front (FPI), disrupted an international LGBT conference in Surabaya, forcing their way into the hotel hosting the conference. Local police refused to issue a permit to the conference organizers in the face of hard-line opposition. The hard-line groups then forced the cancellation of the conference by forcing entry and occupying the hotel where the conference was being held.

On April 30, members of FPI disrupted training for transgender activists conducted by the National Human Rights Commission (Komnas HAM).

Throughout May and June, LGBT organizations across the country commemorated the International Day Against Homophobia. Organizers held public discussion groups, marched, and engaged in other activities raising awareness of LGBT issues. However, local officials and groups forced the cancellation of at least one event. After threats from FPI, organizers in Yogyakarta cancelled an open-air concert scheduled for May 22. Organizers in Surabaya opted not to hold a parade in the wake of a disrupted conference in March.

Protesters from FPI and local universities disrupted an internationally supported LGBT film festival in Jakarta in September. Mainstream Islamic organizations, including the head of the Indonesian Council of Ulema, also condemned the festival.

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

Other Societal Violence or Discrimination

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

Section 7 Worker Rights

a. The Right of Association

The law provides broad rights of association for workers in the private sector but places restrictions on organizing among public sector workers. Workers in the private sector formed and joined unions of their choice without previous authorization or excessive requirements. 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. To form a collective bargaining unit, a union must receive the support of at least 50 percent of employees in an establishment. The Ministry of Manpower and Transmigration records, rather than approves, the formation of a union, federation, or confederation and provides it with a registration number. In recent years some unions reported local ministry offices prejudicially recommended denial of registration.

To remain registered, unions must keep the government informed about changes in their governing bodies. The law allows the government to petition the courts to dissolve a union if it conflicts with the state ideology (Pancasila) or the constitution. A union also may be dissolved if its 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.

Although the law recognizes civil servants' freedom of association and right to organize, employees of several ministries may only form employee associations, with more limited rights. In particular they do not have the right to strike. Union organizations sought to organize government employees, as well as state-owned enterprise (SOE) employees, although they encountered resistance from enterprise management, and the legal basis for registering unions in SOEs remained unclear.

During the year, according to labor sources, 10 percent of workers in the formal sector were trade union members, and more than 35 percent of workers in the service sector belonged to unions. According to the National Statistics Bureau, as of August the total workforce was 116.5 million workers, of whom 108.2 million were employed. Most union members were permanent rather than contract workers. As of February the National Statistics Bureau estimated that 65.6 percent of workers were in the informal sector.

The right to strike is recognized but substantially restricted under the law. 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' additional leeway to obstruct a union's move to strike.

Before workers can strike, they must engage in lengthy mediation with the employer and proceed to mediation facilitated by a government mediator or risk having the strike declared illegal. Due in part to cumbersome restrictions, strikes tended to be unsanctioned or "wildcat" strikes that broke out after a failure to settle long-term grievances or when an employer refused to recognize a union. In the case of an illegal strike, an entrepreneur may make two written appeals within a period of seven days for workers to return. Workers who do not respond to those appeals are considered to have resigned. Employers commonly used such appeals as intimidation tactics against strikers.

The primary reasons for strikes during the year were 1) demand for an increase in salary, 2) suspension of overtime payment and/or regular salary, 3) unjust dismissal of workers, and 4) the illegal use of contract workers. One notable "wildcat" strike occurred over the disparity between the salaries of citizens versus foreign "expert" salaries. During the year

workers staged protests in major cities demanding companies pay into the national social security system, put an end to corrupt business practices, and that the government pass the social-safety-net bill, which is under discussion in the parliament.

b. The Right to Organize and Bargain Collectively

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. At year's end the government continued to fail to issue implementing regulations on the right to organize and bargain collectively.

According to the Manpower Ministry, approximately 25 percent of companies with more than 10 employees had CLAs. Although most of these agreements went beyond the legal minimum provisions set by the government, more than a third of employers reportedly violated the terms of the CLA with relative impunity.

The law prohibits employment discrimination against union organizers and members and provides penalties for violations; however, in many cases the government did not effectively enforce the law. Employer retribution against union organizers, including dismissals and violence, were not prevented effectively or remedied in practice. Some employers threatened employees who made contact with union organizers. Management singled out strike leaders for layoffs when companies downsized. Legal requirements existed for employers to reinstate workers fired for union activity, but, in many cases, the government did not enforce this effectively.

Legal procedures were lengthy, 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 compensated, they were rarely reinstated. Companies sometimes transferred union leaders to jobs where they could not continue their union activities. Managers in some locations reportedly 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.

Employees at the Surabaya Zoo established a labor union in June. However, the zoo management attempted to stop the union from operating. Police and forest rangers threatened the labor union members and tore down the labor union's signboards. Labor activists received threats if they continued to assist with unionization. One employee was fired for her role in the establishment of the union. Only 70 out of Surabaya Zoo's 200 employees have joined the labor union. Management reduced the salary and benefits of those who joined the union.

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

In August hundreds of workers from the Indonesian Metal Labor Union Federation (FSPMI) from Mojokerto, Sidoarjo, and Pasuruan held a demonstration in front of the Pasuruan Police office demanding police drop a criminal case filed against FSPMI board members Pujianto and Jazuli. In 2008 PT. Sri Rejeki in Pasuruan reported Pujianto and Jazuli to the police for defamation. On September 8 and September 21, the Bangil State Court in Pasuruan began Pujianto and Jazuli's trial.

The increasing trend of using contract labor directly affected unions' right to organize and bargain collectively. Under the Manpower Act, contract labor is to be used only for work that is "temporary in nature." However, according to an International Trade Union Confederation report, many employers violated these provisions, sometimes with the assistance of local offices of the Manpower Ministry. In these cases, 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. Labor courts have ruled in favor of workers who filed either for compensation or to be rehired. In most cases, however, the company has appealed to the Supreme Court where the labor court's decisions have been overturned.

Labor activists claimed companies orchestrate the formation of multiple unions, including "yellow" unions, to weaken legitimate unions. During the year 16 percent of companies with unions had more than one union. In these companies, 42 percent of the employees reported that the employer did not treat all of the unions with equal respect and that the employer gave better treatment to workers who were members of a union controlled by the company (38 percent).

There are no special laws or exemptions from regular labor laws in special economic zones (SEZs). However, reportedly there were stronger antiunion sentiments and actions by employers in SEZs. For example, employers in the Batam SEZ tended to hire labor on two-year contracts and favored workers under 24 years of age, in part to inhibit union formation.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were credible reports that such practices occurred, including forced and compulsory labor by children (see section 7.d.). Forms of forced exploitation included domestic servitude, commercial sexual exploitation, and forced labor in the mining, fishing, and agricultural sectors.

At year's end the government was still renegotiating the 2006 memorandum of understanding (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 and the guarantee of a minimum wage.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment

The Manpower Act establishes 15 as the minimum age for work and prohibits children under the age of 18 from working in hazardous sectors. Children 13 to 15 years of age may work no more than three hours per day and only under a number of other conditions, such as parental consent, no work during school hours, and payment of legal wages. A strong legal framework and National Action Plans address economic and sexual exploitation, including child prostitution, child trafficking, and the involvement of children in the narcotics trade, and provide severe criminal penalties and jail terms for persons who violate children's rights. However, the government did not enforce these laws effectively.

An estimated six to eight million children exceeded the legal three-hour-daily work limit, working in agriculture, street vending, mining, clothing manufacture, prostitution, and other areas.

Children worked in agriculture primarily on palm oil, tobacco, rubber, tea, and marijuana plantations. Children also worked in fisheries, manufacturing (such as cottage factory footwear production, textiles, cigarette production), logging, toy making, food processing (e.g., bird-nest gathering), and in the small-scale mining sector. Other children work in the informal sector selling newspapers, shining shoes, street vending, scavenging, and working with their parents in family businesses or cottage industries.

A domestic worker advocacy group estimated that there were four million domestic workers in the country, of whom at least 1.3 million were under age 18. Many domestic workers 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 forced labor by children; however, the government was not effective in eliminating the practice, which remained a 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. For information on forced child labor, also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Despite legislative and regulatory measures, most children who worked, including as domestics, did so in unregulated environments. Anecdotal evidence suggested that local labor officials did not investigate the workplaces of child domestic workers and carried out few child labor investigations in factories.

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

e. Acceptable Conditions of Work

The minimum wage levels set by most local governments did not provide a worker and family with a decent standard of living. Most province-level minimum wage rates fell below the government's own calculation of basic minimum needs. During the year Papua offered the highest minimum wage at 1.1 million rupiah (approximately \$120) per month, while the Manpower Ministry reported official minimum wages as low as 500,000 rupiah (\$60) per month in East Java.

Local manpower officials were responsible for enforcing minimum wage regulations. Enforcement remained inadequate, particularly at smaller companies. There is no enforcement of the minimum wage in the informal sector. Labor law and ministerial regulations provide workers with a variety of benefits, but it was estimated that, aside from government officials, only 10 percent of workers received social security benefits. Persons who worked at foreign-owned companies 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, which was rarely done.

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. 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 American Center for International Labor Solidarity reported workers in the garment industry worked extremely long hours, but because their pay slips did not specify the amount of overtime paid, they could not be certain they were fully compensated for overtime. The Manpower Ministry continued to urge employers to comply with the law; however, government enforcement and supervision of labor standards continued to be weak.

Both the law and regulations provide for minimum standards of industrial health and safety. In practice the country's worker safety record was poor. The state-owned insurance agency reported 86,692 workplace accidents between January

and November, an average of 237 incidents per day. 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.

[Back to Top](#)