

INDONESIA

EXECUTIVE SUMMARY

Indonesia is a multiparty democracy. In 2009 Susilo Bambang Yudhoyono was reelected president in free and fair elections. Domestic and international observers judged the 2009 legislative elections free and fair as well. Security forces reported to civilian authorities.

Major human rights problems included instances of arbitrary and unlawful killings by security forces and others in Papua and West Papua provinces, societal abuse against certain minority religious groups, and abridgement of the rights of particular religious minorities to freely practice their religion by regional and local governments. Official corruption, including within the judiciary, was a major problem, although the Anticorruption Commission (KPK) took some concrete steps to address this.

Other human rights problems included: occasionally harsh prison conditions; some narrow and specific limitations on freedom of expression; trafficking in persons; child labor; and failure to enforce labor standards and worker rights.

The government attempted to punish officials who committed abuses, but judicial sentencing often was not commensurate with the severity of offenses, as was true in other types of crimes as well.

Separatist guerillas in Papua killed members of the security forces in several attacks and injured others. Nongovernment actors engaged in politically related violence, including murder, in Aceh Province.

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 some alleged criminals and terrorists in the course of apprehending them. In addition, there were a number of reports accusing security forces of excessive use of force leading to death, particularly when handling protests. On October 19, police and military units dispersed participants in the Third Papuan People's Congress in Jayapura, Papua. The Indonesian National Human Rights Commission (Komnas HAM) found that

Demananus Daniel, Yakobus Samsabara, and Max Asa Yeuw, whose dead bodies were found near the Congress area, had been shot. Komnas HAM called for an investigation (see section 2.b.). In another incident, on December 24, police fired upon protesters on Bima Island, West Nusa Tenggara, killing two and wounding 14.

On March 31, Sergeant Sukirman and First Inspector Jefry Pantouw of Biau Police Precinct were charged with abuse with regard to the August 2010 death of Kasmir Timumun in police custody in Buol, Central Sulawesi. Police initially reported that Timumun committed suicide, but credible nongovernmental organization (NGO) sources reported that his body bore evidence of abuse. On September 24, both officers were convicted of torture by the Central Sulawesi Court and sentenced to one year in prison. The prosecution appealed, seeking longer sentences. Prosecutors also filed charges against a third officer, Amirullah Haruna, for allegedly shooting Ikhsan Mangge during the protest riot that followed Timumun's death. Haruna was found not guilty and freed on October 27.

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 of burned villages and civilian deaths. Much of this violence was connected to the Free Papua Movement (OPM) and security force operations against OPM. For example, OPM forces wounded three soldiers in a July 5 exchange of fire. In another incident on July 12, attackers, whom the government alleged were OPM-affiliated, injured four soldiers and two civilians. On October 24, alleged OPM-affiliated attackers shot and killed the chief of the Mulia police station.

Following a military investigation, three soldiers from the 753 Infantry Battalion faced a court martial for the March 2010 killing of Pastor Kinderman Gire in Puncak Jaya, Papua. On August 11, the court sentenced Private Herry Purwanto, First Sergeant Saut Sihombing, and Private Hasirun to 15, seven, and six months in prison respectively for disobeying lawful orders. The soldiers were not charged with the more serious crimes of assault or murder. The military investigation and trial reportedly did not take into account nonmilitary testimony or evidence.

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. Unknown attackers perpetrated a number of shootings and killings along a road near the Freeport McMoRan's (Freeport's) Indonesia-operated Grasberg gold and copper mine in Timika, Papua, killing security forces, Freeport employees, and local civilians. For example, in an April 7 attack, unknown assailants murdered

two unarmed Freeport security personnel. On October 14, unknown attackers killed three Freeport workers and burned their vehicle.

In June Pollycarpus Budihari Priyanto, who was previously convicted in the 2004 poisoning of human rights activist Munir Said Thalib, appealed his conviction with the Central Jakarta District Court, claiming new evidence. In 2008 the South Jakarta District Court acquitted retired army general Muchdi Purwoprandjono on charges of planning Munir's murder. In 2009 the Supreme Court upheld the acquittal and remanded the case to the district court. In September the Attorney General's Office (AGO) stated no further action in the case against Muchdi Purwopranjono was warranted, despite claims from civil society organizations that new evidence against Muchdi merited review of his acquittal.

b. Disappearance

The government and civil society organizations 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 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. Despite this approval in 2009, at 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 and other cruel, 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 rarely were tried under this statute. More recently the government made some efforts to hold members of the security forces responsible for acts of torture but these efforts did not constitute full accountability. In 2007 the UN special rapporteur on torture 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.

Local nongovernmental organizations (NGOs) reported that torture continued to be commonplace in police detention facilities. During the year the Legal Aid Institute of Jakarta conducted a survey on the prevalence of torture in Papua that found 61 percent of survey respondents suffered physical abuse while being arrested and 47 percent of respondents suffered physical abuse during questioning. In a December 2010 report the Legal Aid Institute of Jakarta reported that torture was used particularly in the course of gathering evidence. The NGO Commission on the Disappeared and Victims of Violence (KontraS) reported that between January and June, it received reports of five cases of torture with fifteen victims.

In a case of military-instigated torture, on March 13, members of the 744th Infantry Battalion tortured Charles Mali to death in Futubena-Atambua in East Nusa Tenggara Province. The incident stemmed from an altercation between young men and members of the battalion. Mali reportedly was beaten to death. Five other men reportedly were tortured as well. During a military investigation, 23 suspects from the 744th were questioned in connection with this incident. Eight soldiers were convicted of involvement in Mali's death and received sentences from a military court ranging from eight to 12 months in prison.

Abuse of detainees in Papua came under heightened scrutiny when, in October 2010, a graphic video was posted on YouTube that showed several Indonesian Armed Forces (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 in late May 2010 during a military operation in the Puncak Jaya region of Papua. On January 24, after a military trial in Jayapura, Papua, Second Sergeant Irwan Rizkianto received a 10-month prison sentence, Private Yakson Agu received a sentence of nine months, and Private Thamrin Mahagiri received a sentence of eight months. All were charged with disobeying orders, but not with the more severe charge of abuse. At year's end, none had been removed from the military.

During the year in Aceh, according to one NGO source, 33 persons were caned publicly in five separate instances for violating Sharia (Islamic law) laws dealing with gambling, adultery, consuming alcohol, and for selling food in daylight hours during the fasting month of Ramadan.

According to an October 11 expose by *Tempo Magazine*, two Police Academy cadets were injured so severely in hazing incidents that they had to be discharged from the academy for physical disability; one cadet suffered from partial paralysis and the other dealt with decreased motor function. The *Tempo Magazine* article reported that between January and September, the academy had received at least 13 reports of hazing-related violence. Academy administrators set up military police patrols around the campus and dormitories to prevent future abuses. No information regarding accountability in these cases was available at year's end.

A series of newspaper articles in February implicated Papua police in multiple sexual assault cases. In one case, four policemen and three civilians allegedly raped and tortured a fifteen-year-old girl in Biak, Papua, in February. In a second case, a female detainee at the Jayapura police detention center claimed she was forced to perform sexual acts with three police officers between November 2010 and January 2011. Following the publication of a report on this second case, the involved officers received a punishment of 21-days' administrative detention. The district police chief of Jayapura City offered his resignation, but the regional police chief did not accept it.

Prison and Detention Center Conditions

Conditions at the country's 428 prisons and detention centers were sometimes harsh and lifethreatening. Overcrowding was widespread. At the end of the year, data from the Ministry of Law and Human Rights indicated that there were 141,981 detainees in the system, in comparison with a designed capacity of 96,891. Prisons and detention centers in the Jakarta region were operating at 228 percent of capacity. For example, according to the government, the Pondok Bambu Detention Facility in Jakarta, designed for 504 prisoners, held 1,092. The facility had two types of cells, small and large. A small cell was 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 government figures, 352 prisoners died between January and August, compared with 842 throughout the year in 2010.

NGOs noted authorities sometimes did not provide prisoners adequate medical care. According to informed NGO sources, the medical budget for prisoners was approximately 1,000 rupiah (approximately \$0.11) per prisoner per day.

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. Wealthy prisoners paid for special treatment and more comfortable lodging. Officials held unruly detainees in solitary confinement for up to six days on a rice-and-water diet.

One international source stated that 5.8 percent of prisoners were women and 5.6 percent were juveniles. There are six women-only prisons in the country, five in Java and one in North Sumatra. According to the Directorate General for Corrections, at year's end there were 2,179 juvenile detainees and 3,337 juvenile prisoners. One local NGO assessed that conditions for women prisoners generally were equal to or better than those for men.

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. According to a domestic NGO, of the 16 facilities designated as prisons for children, only one was used exclusively as such. 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. International and local NGOs reported that in some cases, prisoners did not have ready access to clean drinking water. 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 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 without resolution throughout the year to restore ICRC access to Papua.

The criminal procedure code does not incorporate alternative sanctions or sentencing for nonviolent offenders.

The national ombudsman can advocate 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 prohibits arbitrary arrest and detention but lacks adequate enforcement mechanisms. 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 415,557 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 domestic security responsibilities. 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 investigated complaints against individual police officers. Additionally, Komnas HAM and NGOs conducted external investigations with the knowledge and cooperation of the police. During the year, 207 officers were charged criminally and 3,429 received disciplinary infractions.

In 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. Since the approval of the Use

of Force Police Action policy, the INP has trained over 65,000 personnel on this policy and has worked to integrate this policy into the INP's overall training program.

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

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.

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 an independent judiciary; however, in practice the judiciary remained susceptible to influence from outside parties, including business interests, politicians, and the security forces. Low salaries and poor oversight continued to encourage acceptance of bribes, and judges were subject to pressure from government authorities and other groups, which appeared to influence the outcome of cases.

Widespread corruption throughout the legal system continued (see section 4); specialized task forces in the AGO attempted to prosecute such corruption.

At times, authorities did not respect court orders, and decentralization created additional difficulties for the enforcement of these orders. For example, local authorities in the city of Bogor failed to honor a December 2010 Supreme Court decision related to a construction permit for the GKI Yasmin Church.

During the year a number 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. Civil society organizations and other observers criticized the short length of prison sentences imposed by military courts.

NGO sources stated some military court proceedings were not public and occasionally complained about access to hearings; for example, NGOs complained about limited information from and access to the trial of soldiers implicated in the death of Charles Mali (see section 1.c.). However, the January court martial of three soldiers for the videotaped torture of a Papuan detainee was public and attended by international observers (see section 1.c.).

Four district courts located in Surabaya, Makassar, Jakarta, and Medan are authorized to adjudicate cases of systematic gross human rights violations with the

recommendation of the Komnas HAM. 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 regulations for the implementation of Sharia law were procedurally ambiguous, leading to inconsistencies in its application. 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, in some cases 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. Defendants enjoy the ability to access the prosecution's evidence through application to the hearing panel's presiding judge.

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. For example, Jakarta Legal Aid handled 959 cases during the year. 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 notable

exceptions of Sharia court proceedings in Aceh and some military trials, trials are public.

Political Prisoners and Detainees

Credible international NGOs estimated that there were more than 80 political prisoners at the end of the year. Most were incarcerated under statutes banning the display of banned separatist symbols (see section 2.a.). Government officials affirmed publicly that they would not tolerate the display of separatist symbols.

Activists with the separatist Republic of South Molucca (RMS) organization continued to be imprisoned for displaying banned separatist symbols. Authorities arrested RMS activists in Ambon for allegedly planning to fly banned RMS flags during an August 2010 visit by President Yudhoyono. Human rights activists reported that security forces, including the police, abused these detainees during arrest and questioning.

A number of Papuan independence activists, including Filep Karma, were in detention or prison for raising a banned separatist flag. Some prominent prisoners incarcerated for flag raising offenses, such as Buchtar Tabuni, received standard remissions on Independence Day and were released from prison early. Local human rights observers noted that enforcement of flag-raising laws was not always consistent but was widespread across Papua and West Papua provinces. These observers asserted that persons arrested for political offenses often faced harsh treatment including withholding of necessary medical care.

Local human rights activists reported that local activists and family members generally were able to visit political prisoners, although some prisoners were held far from their families on other islands.

Civil Judicial Procedures and Remedies

The civil court system can be used to seek damages for victims of human rights violations; however, widespread corruption and political influence limited victims' access to this remedy. In one example of a petitioner winning redress, on February 17, the Supreme Court ruled that Garuda Indonesia Airlines must pay compensation of 3.38 billion rupiah (approximately \$386,000) to Suciwati, the widow of the late human rights activist Munir (see section 1.a.).

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. The Law on State Intelligence passed on October 11, granted new authorities to the State Intelligence Agency (BIN) regarding surveillance and intercepting communications. Some international and domestic NGOs warned that the law could empower the government to stifle journalists, political opponents, and human rights activists.

The government used its authority, and at times intimidation, to expropriate or to facilitate private acquisition of 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, although evictions of squatters living on government land and of street vendors continued to decrease in Jakarta. The Agrarian Reform Consortium (KPA) recorded 163 agrarian conflicts during the year, an increase from 106 cases in 2010. According to KPA, conflicts during the year involved 69,975 families and 1,166,449 acres of land. According to city officials, the Jakarta administration carried out evictions during the year, forcing persons out of their homes. Eviction cases continued to be particularly contentious in rural areas close to extractive industries and plantations and occasionally led to violence.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution and the law provide for freedom of speech and freedom of the press; however, the government and private actors 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.

Freedom of Speech: Individuals and organizations have the right to criticize the government publicly and privately and could discuss almost all matters of public interest without reprisal. The law criminalizes content that advocates separatism. Some NGOs and other organizations reported government monitoring of their organizations, and a number of laws limited the rights of individuals to engage in speech deemed to be pro-separatist.

Freedom of Press: The independent media were active and expressed a wide variety of views. However, regional- and national-level regulations were at times used to restrict the media. For example, the government continued to restrict foreign media, NGOs, 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 ostensibly for reasons regarding the safety of foreign visitors.

Inconsistent application of national broadcasting laws restricted the ability of some specifically targeted radio stations to broadcast. For example, local and national officials targeted Radio Erabaru, a Chinese-language, Falun Gong-affiliated radio station. On September 6, Radio Erabaru Director Gatot Machali, was convicted of broadcasting without a license and sentenced to six months in prison, one year's probation, and fined 50 million rupiah (approximately \$5,800). At year's end, Machali was appealing the decision. Although the case was under appeal, on September 11, police and frequency monitoring officials forcibly closed Radio Erabaru and confiscated the station's broadcasting equipment.

Violence and Harassment: The Indonesian Press Legal Aid Institute (LBH Pers) reported that during the year, there were at least 96 cases of media intimidation. The Alliance of Independent Journalists (AJI) reported 49 cases of intimidation against journalists during the year down from 51 cases in 2010.

For example, on March 3, two unidentified men stabbed journalist Banjir Ambarita in the chest and abdomen in Jayapura, Papua. Ambarita had written two articles linking police to sex abuse scandals (see section 1.c.).

On May 7, police in Surabaya beat journalists covering the police action interfering with a parade connected to the Falun Gong movement.

Citing discovery of new evidence, Press Legal Aid requested the Supreme Court review the August 2010 stabbing and killing of television reporter Ridwan Salamun while he was filming a fight between two villages in Southeast Maluku. Judicial authorities had not responded to the request by year's end.

Censorship or Content Restrictions: In October 2010 the Constitutional Court ruled unconstitutional a long-standing law that gave the AGO the authority to ban written material. The Constitutional Court ruled that the AGO maintains the authority to monitor written material and to request a court order to ban written material.

Under the Blasphemy Law, "spreading religious hatred, heresy and blasphemy" is punishable by up to five years in prison. On February 8, a district court in Temanggung, Central Java sentenced a man to five years in prison on blasphemy charges.

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. Unlike in previous years, there were no reported new arrests related to the display of the RMS flag. However, police continued to imprison individuals for raising the Morning Star flag in Papua. For example, on August 18, the Manokwari District Court sentenced Melkianus Bleskadit to two years in prison and on August 23, sentenced Daniel Yenu to seven months and 16 days' imprisonment.

Libel Laws/National Security: During the year the practice of public figures and institutions involved in corruption or personal disputes filing criminal and civil defamation complaints with police continued. For example, Anas Urbaningrum, chair of the Democrat Party, filed a defamation complaint against former Democrat Party treasurer Muhammad Nazaruddin. Anas filed the complaint in response to Nazaruddin's public corruption accusations against Urbaningrum. In another case, Mustar Bonaventura and Ferdi Semaun, two activists from the nationalist group Bendera, were sentenced on October 13 to seven months in prison for failing to prove allegations that members of the president's family and his election team embezzled funds related to the Bank Century bailout.

Internet Freedom

The government attempted to restrict access to the Internet via the 2008 Information and Electronic Transaction Law. The 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 Ministry of Communications and Information Technology requests Internet service providers (ISPs) block access to pornographic Web sites and other offensive content. On September 27, the minister announced restrictions on over 900 Web sites deemed to be connected to violent extremist groups. The ministry did not have any internal mechanisms to block the Web sites in question. Enforcement of these restrictions depended upon individual ISPs, and a failure to enforce these restrictions could result in the revocation of an ISP's license.

Academic Freedom and Cultural Events

The government generally did not restrict academic freedom; however, there were continued restrictions on cultural events.

In 2008 the DPR passed an anti-pornography 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 March 2010 the Constitutional Court ruled the anti-pornography bill constitutional and not in violation of the freedom of religion and expression provisions of the constitution.

During the year the government-supervised Film Censorship Institute continued to censor domestic and imported movies for content deemed pornographic, religiously offensive, or otherwise offensive. As recently as 2009, the Film Censorship Institute censored politically sensitive films. Societal pressure led to self-censorship by some media outlets.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice. The law generally does not require permits for social, cultural, or religious gatherings; however, any gathering of five or more persons related to political, labor, or public policy requires police notification, and demonstrations require a permit. In general these permits were granted routinely.

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

On September 7, presidential security personnel assaulted several human rights activists during a demonstration in front of the presidential palace. Major national newspapers published photographs showing a Presidential Security Force member grabbing a prominent human rights activist by the throat. The Presidential Security Force commander and President Yudhoyono's spokesperson defended the actions, citing security concerns.

During the year there were a number of large demonstrations throughout Papua. The majority were conducted in accordance with the law and remained peaceful. However, on October 19, police and military units violently dispersed participants in the Third Papua People's Congress, a gathering held in Jayapura October 16-19. Activists displayed banned separatist symbols and read out a Declaration of Independence for the "Republic of West Papua" on the final day of the gathering. Police fired into the air and detained hundreds of persons, all but six of whom were released the following day. Three persons were found shot and killed in the area. Police spokesmen claimed that the police were equipped only with rubber bullets and other non-lethal ammunition. Police beat many of those detained, and dozens were injured. At year's end, six of the leaders of the Third Papua People's Congress faced charges of treason and weapons possession.

Freedom of Association

The law provides for freedom of association, and the government generally respected it in practice.

Members of the Ahmadiyya religious group have not held any national conferences since 2008, when the Bali police refused to issue them a permit. In addition, some local governments continue to restrict their right of assembly.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

The law provides for freedom of movement within the country and generally allows for travel outside of the country. However, 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.

In-country Movement: During the year the government continued to restrict freedom of movement for foreigners to Papua and West Papua provinces through a system of "travel letters," but enforcement was inconsistent.

Foreign Travel: The government prevented arrivals and departures at the request of police, the AGO, the Anticorruption Commission (KPK), and the Ministry of Finance. Some of those barred from entering and leaving were delinquent taxpayers, convicted or indicted persons, individuals implicated in corruption cases, and persons otherwise involved in legal disputes. In other cases the reasons were less clear. For example, a British representative of the NGO Greenpeace was prevented from entering the country on October 13.

Internally Displaced Persons (IDPs)

The international NGO Internal Displacement Monitoring Center (IDMC) estimated in a December 22 report that the combined number of those still displaced and those who have returned or resettled, but who continue to face barriers that prevent them from enjoying the full range of their rights, may reach as high as 180,000. A lack of systematic monitoring of return and resettlement conditions as well as difficulties in defining who is still an IDP make this a rough estimate. Many were displaced due to natural disasters. Others, such as those in Ambon, Maluku Province, were displaced due to communal violence during the

month of September. In addition, there were also persons in Papua and West Papua displaced by clashes between the security forces and OPM. The inability for international monitors to evaluate events in Papua made it difficult to verify specific allegations. According to IDMC, IDPs generally struggled with poor housing, food insecurity, poor access to land, and limited access to education and other basic services. While the central and local governments made some efforts to promote the safe return or resettlement of IDPs, these efforts remain incomplete. The 2007 Law on Disaster Management stipulates that the government ensure “the fulfillment of the rights of the people and displaced persons affected by disaster in a manner that is fair and in line with the minimum service standards.”

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. There were varying estimates of the number of refugees and asylum seekers in the country. At year’s end, there were 3,233 asylum seekers and 1,006 refugees registered with UNHCR. At year’s end, the International Organization for Migration (IOM) assisted immigration authorities in caring for approximately 2,200 refugees or asylum seekers in the country. The government reported 3,980 refugees or asylum seekers. Some were applicants, and others were dependents. Most refugees or asylum seekers come from Afghanistan, Sri Lanka, Iran, Iraq, and Burma. More than 1,100 Afghan refugees and asylum seekers were under the care of IOM.

Nonrefoulement: 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.

Access to Basic Services: The government prohibited refugees from working and accessing public elementary education.

Durable Solutions: According to the Ministry of Housing, approximately 100,000 former East Timorese refugees resided in West Timor. The government provided 10,400 houses for former refugees in Kupang, Timor Tengah Selatan, Timor Tengah Utara, and Belu regencies. Nearly 25,000 people continue to live in refugee camps. Conflicts, mostly involving land disputes, between local people and former refugees sometimes occurred. An April 18 International Crisis Group paper stated that many refugees were not well integrated into host communities,

and that former refugees continued to return to Timor Leste in small but increasing numbers.

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.

Elections and Political Participation

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).

Recent Elections: In 2009 President Yudhoyono was reelected overwhelmingly. Also in 2009 the country conducted its third democratic legislative elections. In general, domestic and foreign observers found the elections free and fair. The elections 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.

Political parties were required to win a minimum of 2.5 percent of the national vote to qualify for a seat in the DPR. In 2009 nine parties met this threshold and won seats in parliament. 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.

According to the Elections Commission (KPU) 63 regional elections were scheduled during the year. This number includes 49 new elections scheduled for 2011, eight elections originally scheduled for 2010, four elections carried over from 2010, and two repeat elections from 2010; there were also elections scheduled for four governors and 59 mayors/regents. At year's end, gubernatorial elections in Papua and Aceh remained delayed.

During the year the Constitutional Court received 132 requests to adjudicate election disputes, and carried over six pending cases from 2010. Of these, 131 were decided, with 15 rulings in favor of complainants. As a result of the decisions, there were election reruns in several cases, including the West Papua gubernatorial election. At year's end seven cases were pending.

The General Elections Monitoring Body, which handles reports of electoral violations, received 1,718 reports of violations in 92 local elections in 2011. Of these, 565 were considered administrative and handed over to the KPU for follow-up. There were 372 considered to be poll violations that involved criminal acts and which the police were investigating.

In a few isolated cases, local elections led to civil disturbances. For example, in Puncak, Papua, various reports indicated that on July 30-31, 19 people were killed in conflict stemming from clashes between rival politicians. In another case, individuals blockaded roads, damaged public facilities, and burned down the recently re-elected West Papua Governor Abraham Ataruri's residence on December 19. At year's end, police had arrested 13 people and named 11 other suspects.

Participation of Women and Minorities: 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, encouraged parties to include more women candidates. The Constitutional Court invalidated this clause when it struck down the law and ruled voters 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 2009 elections. During the year women held four 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.

With the exception of Aceh Province, where non-Muslims effectively were 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 tried to implement the law. Despite the arrest and conviction of many high-profile and high-powered officials, there was a widespread domestic and international perception that corruption remained 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 76 inquiries, 65 investigations, and 45 prosecutions. As a result of the KPK's prevention and prosecutorial activities, it recovered a total of approximately 134 billion rupiah (approximately \$14.7 million) in state assets. In addition, it recovered and prevented the loss of more than 150 trillion rupiah (\$16.6 billion) in state assets, according to the KPK's annual report.

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 85 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 November the task force had received 4,850 complaints,

including 1,066 cases related to land rights issues; 709 cases related to corruption, collusion, and nepotism; 458 cases of fraud and embezzlement; and 268 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.

Anticorruption reform continued to be exploited in political power struggles between legislators and others. During the year corruption allegations against Muhammad Nazaruddin, the former treasurer of President Yudhoyono's Democrat Party, and his counter accusations against a number of prominent figures transfixed the public. On May 24, Nazaruddin fled the country after he was accused of extorting kickbacks and engineering contracts during construction of the athletes' village for the Southeast Asia Games. On August 13, Nazaruddin was repatriated from Colombia. Government investigation continued into the breadth of Nazaruddin's corruption, with some NGOs stating that he was involved in as many as 50 separate projects.

On January 19, the South Jakarta District Court sentenced former tax directorate official Gayus Tambunan to seven years in prison and a fine of rupiah 300 million (approximately \$33,000). Gayus was found guilty of bribery in his March 2010 acquittal; he also was convicted of misusing his authority, and of lying about his wealth.

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

In April 2010 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 unwilling or unprepared to implement the law. A September study by the NGO KontraS reported that implementation of the law remains slow within the Indonesian National Police.

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

A number of domestic human rights organizations generally operated without government restriction throughout the country, investigating and publishing their findings on human rights cases as well as advocating 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 and Aceh, subjected the organizations to monitoring, harassment, and interference as well as threats and intimidation. Activists said intelligence officers followed them, took their pictures surreptitiously, and sometimes questioned their friends and family members regarding their whereabouts and activities.

Human rights and anticorruption activists reported receiving threatening messages and other intimidation from unknown sources.

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, and restricted their movement in these areas. Government monitoring of foreigners occurred in conflict areas. Some domestic human rights organizations expressed concern about the possible negative consequences of contacting foreigners. In one case, the government subjected a foreign researcher for an international human rights organization to "forced repatriation." She was conducting research into religious intolerance in Madura when local authorities detained her.

Government Human Rights Bodies: A number of independent government-affiliated bodies addressed human rights problems, including the National Ombudsman, the National Commission on Violence Against Women (Komnas Perempuan), and the National Commission on Human Rights (Komnas HAM). The public generally trusted Komnas HAM, Komnas Perempuan, and the Ombudsman, but government cooperation with their recommendations was not mandatory and not usual.

In 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. Despite this authorization, 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, establishment of the court remained stalled due to complications stemming from other national-level legislation.

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. On October 6, President Yudhoyono issued a decree establishing an action plan for implementation of the CTF recommendations and assigning responsibility within the government for particular subjects.

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 the country.

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, particularly for minority communities.

Women

Rape and Domestic Violence: The law criminalizes rape, although the legal definition of rape is narrow and excludes marital rape. Reliable nationwide statistics on the incidence of rape continued to be unavailable. Rape is punishable by four to 14 years in prison, and the government imprisoned perpetrators for rape and attempted rape; however, light sentences continued to be a problem and 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 and significantly underreported by the government. Nationwide figures were unavailable. Most NGOs working on women and children's issues believed the real figure was far higher than the available government statistics, 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 deterred many women from reporting domestic violence. During the year the Women's Legal Aid Foundation received 417 complaints of domestic violence, including physical and sexual harassment. They also received 61 criminal complaints, of which 36 were related to sexual violence.

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.

Female Genital Mutilation: According to NGOs, some female genital mutilation (FGM) of women over the age of 18 occurred. A 2010 Ministry of Health decree provides specific instructions prohibiting certain more drastic types of FGM but explicitly permitting others. This Ministry of Health decree states that doctors, midwives, and licensed nurses may perform FGM with the request and consent of the woman on whom it is performed (see section 6, children).

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

Sex Tourism: International sex tourism and child sex tourism continued, especially on the islands of Batam and Karimun and in major urban centers across the country.

Reproductive Rights: The government recognized 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, in November 2010 an international NGO reported that women sometimes were denied the opportunity to select the contraceptive methods best suited to their needs or preferences. This may have more to do with costs and availability of different methods, as a significant proportion of those who use family planning access services from private providers. The report indicated that unmarried women in particular were not provided adequate access to contraceptives and this continued to be an issue. According to the 2007 Demographic and Health Survey (DHS), 61.4 percent of married women used contraception. The DHS also found that 93 percent of women received medical prenatal care. The official maternal mortality ratio per the 2007 DHS was 228 per 100,000 live births. The primary causes of maternal mortality were post partum hemorrhage, pre-eclampsia, and sepsis. According to a 2010 World Bank review, there were several key factors in the high rates of maternal mortality. While 79 percent of women had skilled birth attendants at delivery, the uneven deployment of midwives at the community level and the substandard training for many midwives and high use of traditional birth attendants were contributing factors. Hospitals and health centers were not performing at optimal levels in management of complications and there were issues with referrals for complications including financial barriers or limited availability of qualified health personnel. Close to 50 percent of births occurred at home. A woman's economic status, level of education and age at first marriage also affected maternal mortality. Government policy provides that women and men have equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination: 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. The Ministry of Home Affairs is responsible for "harmonizing" local regulations that are not in line with national legislation. During the year, the ministry evaluated 9,000 local regulations and cancelled 351 deemed in conflict with national law.

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 continued to increase. 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 45 percent of all civil servants as of June 2009 but less than 9 percent of senior civil servants. 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 workers received 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

Birth Registration: 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, this registration requirement 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.

Education: Although the law provides for free education, in practice most schools were not free, 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 universally enforce these requirements. Although girls and boys received equal educational opportunities, boys continued to be 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.

Out of 26 million elementary school students the national government provided educational assistance to 2.025 million whose families were below the poverty line. The government categorized as poor a person earning 233,000 rupiah (\$26.60) or less per month.

Child Abuse: Child labor and sexual abuse were serious problems. Child abuse is prohibited by law, but government efforts to combat it generally continued to be slow and ineffective. 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. Komnas Perlindungan Anak reported that during the year, it received 2,508 reports of cases of violence against children.

According to Komnas Perlindungan Anak, approximately 8.5 million children under the age of 18 were working because of poverty.

Substantial numbers of street children were apparent in Jakarta and the provinces of East Java, West Java, North Sumatra, and South Sulawesi. According to media reports, as of August there were 8,000 street children in Jakarta. Of these, 5,420 participated in a social welfare program run by the Ministry of Social Affairs

and the ILO. This media report estimated that there were 230,000 street children in the country. The government continued to fund shelters administered by local NGOs and paid for the education of some street children.

Child Marriage: 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.

Harmful Traditional Practices: FGM of children 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. A November 2010 Ministry of Health decree prohibits certain more drastic types of FGM but explicitly permits doctors, midwives, and licensed nurses to conduct FGM. The decree requires the consent of the subject, a parent, or guardian before undergoing the procedure. The practice remains prevalent in the country. NGO activists said that FGM was seen by some as a religious duty.

Sexual Exploitation of Children: While there is no offense by the name of statutory rape under the law, the penal code forbids consensual sex outside of marriage with women under the age of 15. The 2008 Pornography Law prohibits child pornography and establishes penalties. Nationally, UNICEF estimated 40,000 to 70,000 children were the victims of sexual exploitation, and estimated that 30 percent of all female commercial sex workers were underage. Many teenage girls were forced into prostitution, often through debt bondage. NGOs and government officials believed the number was 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.

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 believed that at least in some areas, the percentage of girls among street children seemed to be growing.

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

Anti-Semitism

The Jewish population was extremely small. In contrast to previous years, there were no reported protests at the Beth Hashem synagogue in Surabaya, East Java. Although the government promoted tolerance education in primary schools, there was no specific curriculum devoted exclusively to anti-Semitism education.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or 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 classifies persons with disabilities into three categories: physically disabled, intellectually disabled, and physically and intellectually disabled. These categories are further divided for schooling. 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.

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, which 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. Some activists assert that most cases of discrimination against ethnic Chinese persons go unreported. Some public officials made public statements that government officials of Chinese ethnicity made decisions based on their heritage and not based on national interest. 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.

Some human rights activists asserted a 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. However, the number of transmigrants as compared with spontaneous economic migrants was relatively small. During the year, 7,274 families participated in government-sponsored transmigration programs. In some areas, such as parts of Sulawesi, the Maluku, Kalimantan, Aceh, and Papua, relations between transmigrants and indigenous people were poor.

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

The 2008 Pornography Law bans consensual same-sex sexual activity. In addition, local regulations across the country criminalize same-sex sexual activity. According to NGOs, many persons characterized lesbian, gay, bisexual, and transgender (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 sometimes were 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 occasionally were victims of police abuse.

LGBT groups maintained a lower profile throughout the year compared to previous years, in part due to concerns over physical security. In September the Q! Film Festival, subject of protests in 2010, took place in five cities but with strict limitations on publicity.

NGOs documented instances of government officials not issuing identity cards to LGBT individuals. Transgender individuals faced discrimination in obtaining services, including health and other public services.

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. Freedom of Association and the Right to Collective Bargaining

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. 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.

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. 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.

The law prohibits employment discrimination against union organizers and members and provides penalties for violations. The law also requires employers to reinstate workers fired for union activity.

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. The law does not extend the right to strike to most civil servants or to workers in SOEs.

A 2003 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." Although this wording recalls the

definition of an “essential industry,” the regulation does not specify the types of enterprises affected, leaving this determination to the government’s discretion. The same regulation also classifies strikes as illegal if they are “not as a result of failed negotiations.”

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. In the case of an illegal strike, an employer 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.

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. External observers note that this excessive requirement adds additional barriers to enjoying the right to collective bargaining. The Manpower Act, which regulates collective bargaining, and general employment conditions, does not apply to workers in SOEs.

On November 17, The Ministry of Manpower and Transmigration issued implementing regulations on the right to organize and bargain collectively. According to the Manpower and Transmigration 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. Enforcement of CLAs varied based on the capacity and interest of individual regional governments.

In practice, the government did not effectively enforce laws protecting freedom of association and prohibiting antiunion discrimination. Some unions reported local ministry offices prejudicially recommended denial of registration.

Antiunion discrimination cases moved excessively slowly through the court system, sometimes taking up to six years. Bribery and judicial corruption in workers’ disputes continued, and courts rarely decided cases in the workers’ favor. While dismissed workers sometimes received severance pay or other compensation, 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.

Labor activists continued to claim that companies orchestrate the formation of multiple unions, including "yellow" unions, to weaken legitimate unions.

Activists reported that there were stronger antiunion sentiments and actions by employers in special economic zones (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.

Employees at the Surabaya Zoo established a labor union in June 2010. 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. Management reduced the salary and benefits of those who joined the union. The union was informally disbanded when the zoo's managing body refused to extend the contract of the labor union's activists, arguing that members participated in an illegal strike in 2010. While the union was legally intact at year's end, none of the members were active. The City of Surabaya Industrial Court asked zoo management to reemploy the 30 fired union activists; zoo management has appealed this to the Constitutional Court. At year's end, the appeal was still pending and the union activists had not been reemployed.

In practice, the cumbersome process required for a legal strike, as well as the government regulations included in the Manpower Act provided employers a clear means to obstruct a union's move to legally strike. Therefore, 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. 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.

Employer retribution against union organizers, including dismissals and violence, was not prevented effectively or remedied in practice. Employers commonly used intimidation tactics against strikers, including administrative dismissal of employees through use of the appeals process described above. Some employers

threatened employees who made contact with union organizers. Management singled out strike leaders for layoffs when companies downsized.

A notable series of strikes occurred at Freeport's copper and gold mine in Papua Province. Between July and December there were a series of negotiations and mediations punctuated by strike actions. Workers initially demanded a significant increase in minimum wages across the pay scale, reported to be in the range of 600 to 1,200 percent. Freeport responded with an 11 percent annual increase over two years. Freeport workers established roadblocks blocking access to Freeport's main road on October 11. Freeport and the union reached a labor agreement on December 23, and workers removed the roadblocks on December 25.

Union leaders reported that they faced intimidation from mine operators, including withholding of wages of striking workers. Management at Freeport Indonesia also reported cases of intimidation, including pressure on contract workers by union members to join the strike. During the strike, an increased police presence near Timika aimed to prevent unrest. On October 10, one miner died during a clash between police and protestors. During the clash, police fired live ammunition at protestors.

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. Parliament passed the demanded legislation on October 28.

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.

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.

b. 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.c.). Forms of forced labor included domestic servitude, commercial sexual exploitation, and forced labor in the mining, fishing, and agricultural sectors.

On May 30, the government signed a protocol amending the 2006 memorandum of understanding (MOU) on the recruitment and placement of Indonesian domestic workers with the government of Malaysia. The amended MOU allows domestic workers to keep their passports instead of surrendering them to their employers, and guarantees them a weekly day off. The amended MOU does not set a minimum wage, nor does it prevent recruitment firms from charging high fees that, some observers argue, can result in instances of debt bondage.

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

c. 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 in light work for 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. Entrepreneurs hiring children must also meet their occupational safety and health requirements. 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. The law and regulations explicitly prohibit forced labor by children.

The government did not enforce minimum age laws effectively, and furthermore did not act effectively to eliminate forced child labor. Despite legislative and regulatory measures, most children who worked, including as domestic workers, 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.

An estimated six to eight million children exceeded the legal three-hour-daily work limit, working in agriculture, street vending, mining, clothing manufacture, and other areas. A 2009 survey from by the International Labor Organization and the National Statistics Agency reported that about four million working children age 10 to 17 are considered employed in wage work by the standard definition.

Children worked in agriculture primarily on palm oil, tobacco, rubber, and tea plantations. Children also worked in fisheries, manufacturing (such as cottage factory footwear production, textiles, and 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 significant number of children worked against their will in prostitution; pornography; begging; drug sale, production, and trafficking; domestic service; and other exploitive situations, including a small number on fishing platforms.

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. Child domestic work is considered one of the worst forms of child labor, as it often renders children vulnerable to sexual, physical, or psychological abuse.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. 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 West Papua Province offered the highest minimum wage at 1.41 million rupiah (approximately \$160) per month, while the Manpower Ministry reported official minimum wages as low as 705,000 rupiah (\$80) per month in East Java. Jakarta's minimum wage was 1.29 million rupiah (\$145) per month. As of March, the official poverty line was 233,740 rupiah (approximately \$26) per capita per month.

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. The law also requires employers to register workers with and pay contributions to the state-owned insurance agency.

Both the law and regulations provide for minimum standards of industrial health and safety. Workers are obligated to report hazardous working conditions, and employers are forbidden by law from retaliating against those who do report hazardous working conditions. By law, workers have the right to remove themselves from hazardous conditions without jeopardizing employment. Local officials from the Manpower Ministry are responsible for enforcing regulations on minimum wage and hours of work, as well as health and safety standards. The Manpower Ministry continued to urge employers to comply with the law; however, government enforcement remained inadequate, particularly at smaller companies, and supervision of labor standards continued to be weak. There is no enforcement of the minimum wage in the informal sector.

The practical observance of laws regulating benefits and labor standards, including wage and hours, varied by sector and region. Unions complained that companies relied upon excessive overtime in some garment and electronics assembly plants, to the detriment of workers' health and safety. 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.

On October 28, the DPR passed the Social Security Providers Bill after more than a year of debate. The new law merges four state-owned insurance companies into two not-for-profit entities under the supervision of the president. The new entities,

one covering health and one covering employment-related insurance, will ultimately cover all workers regardless of employment sector. Analysts and labor observers described the new bill as a significant improvement over the previous system.

Although labor law and ministerial regulations provide workers with a variety of benefits, it was estimated that, aside from government officials, only 10 percent of workers received social security benefits. Persons who worked at formal sector companies often received health benefits, meal privileges, and transportation, which was rarely provided for workers in the informal sector. The Manpower Act also requires employers to provide a safe and healthy workplace and to treat workers with dignity. Enforcement of health and safety standards in smaller companies and in the informal sector tended to be weaker or nonexistent.

The country's worker safety record was poor. The state-owned insurance agency reported approximately 99,000 workplace accidents during the year, an average of 271 incidents per day. Additionally, workers who sought to leave an unsafe workplace could not avail themselves of this right.