

# INDONESIA 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Indonesia is a multiparty democracy. In April 2019, Joko Widodo (popularly known as Jokowi) won a second five-year term as president. Voters also elected new members of the House of Representatives and the Regional Representative Council, as well as provincial and local legislatures. Domestic and international observers deemed the elections to be free and fair. Due to the COVID-19 pandemic, elections for some provincial and local executives originally scheduled for September 23 were postponed until December 9 to allow for implementation of health safety protocols.

The Indonesian National Police is responsible for internal security and reports directly to the president. The Indonesian National Armed Forces, which also report to the president, are responsible for external defense and combatting separatism, and in certain conditions may provide operational support to police, such as for counterterrorism operations, maintaining public order, and addressing communal conflicts. Civilian authorities maintained control over security forces. Members of the security forces committed abuses.

In Papua and West Papua Provinces, government forces continued security operations following a 2018 attack by the Free Papua Movement in which 19 civilians and one army soldier were killed. This led to the displacement of thousands of provincial residents, further Free Papua Movement attacks that caused civilian and security force deaths, and created serious humanitarian concerns.

Significant human rights issues included: unlawful or arbitrary killings; reports of torture by police; arbitrary arrest or detention; political prisoners; restrictions on free expression, the press, and the internet, including censorship and the existence of criminal libel laws; interference with the freedom of peaceful assembly; serious acts of corruption; lack of investigation of and accountability for violence against women; crimes involving violence or threats of violence against lesbian, gay, bisexual, transgender, and intersex persons; and the existence of laws criminalizing consensual same-sex sexual conduct between adults.

While the government took steps to investigate and prosecute some officials who committed human rights abuses, impunity for historic and continuing serious human rights abuses remained a significant concern, especially as some of those

implicated in past abuses received promotions and occupied senior official positions.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

Allegations the government or its agents committed arbitrary or unlawful killings included media reports that security personnel used excessive force that resulted in deaths during counterinsurgency operations against armed groups in Papua. In these and other cases of alleged misconduct, police and the military frequently did not conduct any investigations, and when they did, failed to disclose either the fact or the findings of these internal investigations. Official statements related to abuse allegations sometimes contradicted civil society organization accounts, and the frequent inaccessibility of areas where violence took place made confirming the facts difficult.

Internal investigations undertaken by security forces are often opaque, making it difficult to know which units and actors are involved. Internal investigations are sometimes conducted by the unit that is accused of the arbitrary or unlawful killing, or in high-profile cases by a team sent from police or military headquarters in Jakarta. Cases involving military personnel can be forwarded to a military tribunal for prosecution, or in the case of police, to public prosecutors. Victims, or families of victims, may file complaints with the National Police Commission, National Commission on Human Rights, or National Ombudsman to seek an independent inquiry into the incident.

On April 13, security forces shot dead two university students near the Grasberg mine in Mimika, Papua. Security forces allegedly mistook the students, who were reportedly fishing at the time, as separatist militants. Military and police began a joint investigation following the incident, but no results were released as of October, prompting families of the victims to call for an independent investigation into the killings (see also section 2.a., Libel/Slander).

On July 18, military personnel shot and killed a father and son, Elias and Selu Karungu, who with neighbors were trying to return to their home village in Keneyam District, Nduga Regency, Papua. Media reported witnesses claimed the civilian group hid for a year in the forest to avoid conflict between security forces and the Free Papua Movement (OPM). The two were allegedly shot at a military

outpost where the son Selu was detained. The armed forces (TNI) claimed the two were members of the OPM and had been spotted carrying a pistol shortly before the shooting.

Members of the OPM attacked medical personnel and others. At least six persons died in militant attacks during the year. On August 16, members of the armed forces and national police shot and killed Hengky Wamang, the alleged mastermind behind several high-profile attacks in Papua. At least three other insurgents were injured in the firefight but escaped into the nearby jungle, along with villagers who fled the battle.

In August the military command of Merauke, Papua, charged four military personnel from the East Java-based 516th Mechanized Infantry Battalion with battery that led to eventual death for their alleged involvement in killing 18-year-old Oktovianus Warip Betera on July 24. The incident began when a shop owner reported Betera, whom the shop owner said was stealing, to the military. The soldiers beat Betera, brought him to their command post, and continued torturing him. He was taken to a clinic and pronounced dead shortly afterwards.

On September 19, a Christian pastor, Yeremia Zanambani, was fatally shot in the Intan Regency in Papua Province. TNI officials maintained that members of the West Papua National Liberation Army were responsible for Yeremia's death. Members of the community and prominent nongovernmental organizations (NGOs) alleged members of TNI were responsible for the killing. The president of the Papuan Baptist Churches Fellowship, Socrates Sofyan Yoman, claimed this was the third case since 2004 in which members of TNI were involved in the killing of a pastor in Papua. In October an interagency fact-finding team concluded there was strong evidence that security force personnel were involved in the death but did not completely rule out the involvement of the OPM. In November the National Commission on Human Rights reported that its investigation indicated TNI personnel had tortured Yeremia before shooting him at close range and categorized the incident as an extrajudicial killing.

Land rights disputes sometimes led to unlawful deaths. For example in March, two farmers were killed by a member of the private security staff of a palm oil plantation company in Lahat District, South Sumatra Province. The victims were members of the local community involved in a land rights dispute, and were attempting to negotiate with the company for the return of their land. A local NGO alleged local police were present at the scene of the attack and did not intervene.

The attacker was subsequently convicted of murder and sentenced to nine years in prison.

On March 30, three employees of PT Freeport Indonesia were shot by OPM-affiliated militants--one fatally--during an attack on a housing compound in Kuala Kencana, Papua, a company town in the lowlands area of Timika housing local and expatriate Freeport employees.

The lack of transparent investigations and judicial processes continued to hamper accountability in multiple past cases involving security forces.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities. The government and civil society organizations, however, reported little progress in accounting for persons who disappeared in previous years or in prosecuting those responsible for such disappearances.

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

The constitution prohibits such practices. The law criminalizes the use of violence or force by officials to elicit a confession; however, these protections were not always respected. Officials face imprisonment for a maximum of four years if they use violence or force illegally. No law specifically criminalizes torture, although other laws, such as on witness and victim protection, include antitorture provisions.

NGOs reported that police used excessive force during detention and interrogation. Human rights and legal aid contacts alleged, for example, that some Papuan detainees were treated roughly by police, with reports of minor injuries sustained during detention.

National police maintained procedures to address police misconduct, including alleged torture. All police recruits undergo training on the proportional use of force and human rights standards.

The Commission for Disappeared and Victims of Violence (KontraS), a local NGO, reported 921 cases of police brutality reported to it between July 2019 and June 2020, resulting in injury to 1,627 persons and 304 deaths.

On April 9, police in Tangerang arrested Muhammad Riski Riyanto and Rio Imanuel Adolof for vandalism and inciting violence. NGOs reported that police forced the suspects to confess by beating them with steel rods and helmets and placing plastic bags over their heads. In July, six police officials from the Percut Sei Tuan police headquarters in North Sumatra were convicted of torturing a construction worker who was a witness in a murder case. They could face up to seven years in prison. All the officials involved were discharged from the police force after an internal investigation. Human rights groups demanded police also compensate the victim's family.

On August 7, Balerang police detained Hendri Alfred Bakari in Batam for alleged drug possession. During a visit with Hendri while he was in detention, Hendri's family claims that they saw bruises all over Hendri's body and heard him complain about chest pains. He died in the hospital on August 8.

Aceh Province has special authority to implement sharia regulations. Authorities there carried out public canings for violations of sharia in cases of sexual abuse, gambling, adultery, alcohol consumption, consensual same-sex activities, and sexual relations outside of marriage. Sharia does not apply to non-Muslims, foreigners, or Muslims not resident in Aceh. Non-Muslims in Aceh occasionally chose punishment under sharia because it was more expeditious and less expensive than secular procedures. For example, in February a Christian man convicted of illegal possession of alcohol requested punishment under sharia in exchange for a reduction in his sentence.

Canings were carried out in mosques in Aceh after Friday prayers or, in one instance, at the district attorney's office. Individuals sentenced to caning may receive up to 100 lashes, depending on the crime and any prison time served. Punishments were public and carried out in groups if more than one individual was sentenced for punishment.

Security force impunity remains a problem. During the year, military courts tried a few low-level and some mid-level soldiers for offenses that involved civilians or occurred when the soldiers were off duty. In such cases military police investigate and pass their findings to military prosecutors, who decide whether to prosecute. Military prosecutors are accountable to the Supreme Court and the armed forces for applying the law. NGOs and other observers criticized the short length of prison sentences usually imposed by military courts in cases involving civilians or off-duty soldiers. In September brigadier generals Dadang Hendryudha and Yulius Silvanus were appointed to armed forces leadership positions, despite being

convicted in 1999 (and serving prison sentences) for their roles, as part of the army special forces' Rose Team, in the kidnapping, torture, and killing of students in 1997-98. In January Defense Minister Prabowo Subianto appointed as his staff assistant Chairawan Kadarsyah Kadirussalam Nusyirwan, the former Rose Team commander.

### **Prison and Detention Center Conditions**

Conditions in the country's 525 prisons and detention centers were often harsh and sometimes life threatening, due especially to overcrowding.

Physical Conditions: Overcrowding was a serious problem, including at immigration detention centers. According to the Ministry of Law and Human Rights, as of January there were 293,583 prisoners and detainees in prisons and detention centers designed to hold a maximum of 133,931. Overcrowding posed hygiene and ventilation problems and varied at different facilities. Minimum- and medium-security prisons were often the most overcrowded; maximum-security prisons tended to be at or below capacity. Prison officials reported that overcrowding was one cause of a February prison riot in North Sumatra.

Concern about the rapid spread of COVID-19 in prisons led officials to release nearly 40,000 prisoners across the country. This mass sentence reduction, however, did not apply to inmates convicted for "political crimes," such as Papuan and Moluccan activists.

By law prisons are supposed to hold those convicted by courts, while detention centers hold those awaiting trial. In fact most prisons have two facilities on the same compound, one designed for pretrial detainees and one for convicted prisoners. Persons held at the two facilities do not normally mix. At times, however, officials held pretrial detainees together with convicted prisoners due to overcrowding.

By law children convicted of serious crimes serve their sentences in juvenile prison, although some convicted juvenile prisoners remained in the adult prison system despite continuing efforts to end this practice.

Authorities generally held female prisoners at separate facilities. In prisons with both male and female prisoners, female prisoners were confined in separate cellblocks. According to NGO observers, conditions in prisons for women tended to be significantly better than in those for men. Women's cellblocks within prisons

that held prisoners of both genders, however, did not always grant female prisoners access to the same amenities, such as exercise facilities, as their male counterparts.

NGOs noted authorities sometimes did not provide prisoners adequate medical care. Human rights activists attributed this to a lack of resources. International and local NGOs reported that in some cases prisoners did not have ready access to clean drinking water. There were widespread reports the government did not supply sufficient food to prisoners, and family members often brought food to supplement relatives' diets.

Guards in detention facilities and prisons regularly extorted money from inmates, and prisoners reported physical abuse by guards. Inmates often bribed or paid corrections officers for favors, food, telephones, or narcotics. The use and production of illicit drugs in prisons were serious problems, with some drug networks basing operations out of prisons.

Administration: The law allows prisoners and detainees to submit complaints to authorities without censorship and to request investigation of alleged deficiencies. Complaints are submitted to the Ministry of Law and Human Rights where they are investigated and are subject to independent judicial review.

Independent Monitoring: Some NGOs received access to prisons but were required to obtain permission through bureaucratic mechanisms, including approval from police, attorneys general, courts, the Ministry of Home Affairs, and other agencies. NGOs reported that authorities rarely permitted direct access to prisoners for interviews. There is no regular independent monitoring of prisons.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements, but there were notable exceptions.

#### **Arrest Procedures and Treatment of Detainees**

Security forces must produce warrants during an arrest. Exceptions apply, for example, if a suspect is caught in the act of committing a crime. The law allows investigators to issue warrants, but at times authorities, especially police Criminal Investigation Department, made questionable arrests without warrants. By law

suspects or defendants have the rights to contact family promptly after arrest and to legal counsel of their choice at every stage of an investigation. Court officials are supposed to provide free legal counsel to persons charged with offenses that carry the death penalty or imprisonment for 15 years or more, and to destitute defendants facing charges that carry a penalty of imprisonment for five years or more. Such legal resources were limited, however, and free counsel was seldom provided. Lack of legal resources has been particularly problematic for persons involved in land disputes. Local government officials and large landowners involved in land grabs reportedly turned to accusing community activists of crimes, hoping the community's lack of legal and financial resources and resulting detentions would hamper efforts to oppose the land grab.

Arbitrary Arrest: There were reports of arbitrary arrest by police, primarily by the Criminal Investigation Department. There were multiple media and NGO reports of police temporarily detaining persons for participating in peaceful demonstrations and other nonviolent activities advocating self-determination, notably in Papua and West Papua (see section 2.b.). The majority were released within 24 hours.

In one case police detained 10 students of Khairun University for participating in a Papua Independence Day protest in Ternate in December 2019.

Pretrial Detention: The legal length of pretrial detention depends on factors such as whether the suspect is a flight risk or a danger or is charged with certain crimes. Terrorism suspects are governed by special rules.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary and the right to a fair public trial, but the judiciary remained susceptible to corruption and influence from outside parties, including business interests, politicians, the security forces, and officials of the executive branch.

Decentralization created difficulties for the enforcement of court orders, and at times local officials ignored them.

Four district courts are authorized to adjudicate cases of systemic gross human rights violations upon recommendation of the National Human Rights Commission. None of these courts, however, has heard or ruled on such a case since 2005.

Under the sharia court system in Aceh, 19 district religious courts and one court of appeals hear cases. The courts usually heard cases involving Muslims and based their judgments on decrees formulated by the local government rather than the national penal code.

### **Trial Procedures**

The constitution provides for the right to a fair trial, but judicial corruption and misconduct hindered the enforcement of this right. The law presumes defendants are innocent until proven guilty, although this was not always respected. Defendants are informed promptly and in detail of the charges at their first court appearance. Although suspects have the right to confront witnesses and call witnesses in their defense, judges may allow sworn affidavits when distance is excessive or the cost of transporting witnesses to the court is too expensive, hindering the possibility of cross-examination. Some courts allowed forced confessions and limited the presentation of defense evidence. Defendants have the right to avoid self-incrimination. The prosecution prepares charges, evidence, and witnesses for the trial, while the defense prepares their own witnesses and arguments. A panel of judges oversees the trial and can pose questions, hear evidence, decide on guilt or innocence, and impose punishment. Both the defense and prosecution may appeal a verdict.

The law gives defendants the right to an attorney from the time of arrest and at every stage of investigation and trial. By law indigent defendants have the right to public legal assistance, although they must prove they have no funds for private legal assistance. NGO lawyer associations provided free legal representation to many, but not all, indigent defendants. All defendants have the right to free linguistic interpretation. In some cases, procedural protections 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**

NGOs estimated that 56 political prisoners from Papua and West Papua were incarcerated, either awaiting trial or after being convicted under treason and conspiracy statutes, including for actions related to the display of banned separatist symbols. Eight Moluccan political prisoners remained in prison, according to Human Rights Watch.

A small number of the many Papuans detained briefly for participating in peaceful protests were charged with treason or other criminal offenses. On June 16, seven National Committee for West Papua and United Liberation Movement for West Papua activists were convicted under treason articles and sentenced to a minimum of 10 months in prison for their role in allegedly inciting violence during the protests in late 2019. In the case of the 10 Khairun University students detained (see section 1.d.) in December 2019, prosecutors charged one student, Arbi M. Nur, with treason for his involvement in the Papuan Independence Day protests.

Local activists and family members generally were able to visit political prisoners, but authorities held some prisoners on islands far from their families.

### **Civil Judicial Procedures and Remedies**

Victims of human rights abuses may seek damages in the civil court system, but widespread corruption and political influence limit victims' access to justice.

### **Property Restitution**

An eminent domain law allows the government to expropriate land for the public good, provided the government properly compensates owners. NGOs accused the government of abusing its authority to expropriate or facilitate private acquisition of land for development projects, often without fair compensation.

Land access and ownership were major sources of conflict. Police sometimes evicted those involved in land disputes without due process, often siding with business-related claimants over individuals or local communities. In April local police accompanied and assisted employees of a palm oil company in destroying rice storage huts on land belonging to the Mafan Farmers Group in Sedang village, South Sumatra. Members of the farmers' group reported that this destruction was part of the company's effort to force them off their land.

In August in South Central Timor District, East Nusa Tenggara, the provincial government evicted 47 households of the Pubabu indigenous community from their land, allegedly without due process. Local media reported that the indigenous community had leased the land to an Australian livestock company, and later the provincial government, but refused to extend the lease after it expired in 2012.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law requires judicial warrants for searches except in cases involving subversion, economic crimes, and corruption. Security forces generally respected these requirements. The law also provides for searches without warrants when circumstances are “urgent and compelling.” Police throughout the country occasionally took actions without proper authority or violated individuals’ privacy.

NGOs claimed security officials occasionally conducted warrantless surveillance on individuals and their residences and monitored telephone calls.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution broadly provides for freedom of expression, with some limitations.

Freedom of Speech: The law criminalizes speech deemed insulting to a religion or advocating separatism. The law also criminalizes hate speech, defined as “purposeful or unlawful dissemination of information aimed to create hatred or animosity against an individual or a particular group based on their race, beliefs, and ethnicity.”

By law “spreading religious hatred, heresy, and blasphemy” is punishable by a maximum of five years in prison. Protests by Islamist groups or conservative clerical councils often prompted local authorities to act under the law. According to the legal aid foundation, between January and May there were at least 38 blasphemy-related cases arising from at least 25 arrests.

In February, North Maluku resident Mikael Samuel Ratulangi was arrested for a 2019 Facebook post viewed as insulting the Prophet Muhammad. The case has been passed to the attorney general’s office, pending trial.

Although the law permits flying a flag symbolizing Papua’s cultural identity generally, a government regulation specifically prohibits the display of the Morning Star flag in Papua, the Republic of South Maluku flag in Molucca, and the Free Aceh Movement Crescent Moon flag in Aceh. In May an activist, Sayang Mandabayan, was convicted and sentenced to a prison term of nine months. He had been arrested in September 2019 at the Manokwari airport for traveling with 1,500 small Morning Star flags.

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views. The government, however, sometimes used regional and national regulations, including those on blasphemy, hate speech, and separatism, to restrict the media. Permits for travel to Papua and West Papua Provinces remained a problem for foreign journalists, who reported bureaucratic delays or denials, ostensibly for safety reasons. The constitution protects journalists from interference, and the law requires that anyone who deliberately prevents journalists from doing their job shall face a maximum prison sentence of two years or a substantial fine.

Violence and Harassment: From January to July, the Alliance of Independent Journalists reported 13 cases of violence against journalists that included doxing, physical assaults, and verbal intimidation and threats perpetrated by various actors, including government officials, police, and security personnel, members of mass organizations, and the general public. The alliance and other NGOs reported that journalists faced increased hostility because of the ongoing COVID-19 pandemic, noting that in April and May there were three cases of violence against journalists.

On April 22, Ravio Patra, a researcher and activist with the United Kingdom-based Westminster Foundation for Democracy, was arrested in Jakarta on charges of incitement after a message calling for riots was sent from his WhatsApp account. Patra claimed before his arrest that his account had been hacked and that he was being framed, possibly by police. Patra, released on bail after two days, was as of November awaiting trial and still waiting to learn the results of the police investigation into the hacking of his account.

Censorship or Content Restrictions: The Attorney General's Office has authority to monitor written material and request a court order to ban written material; this power was apparently not used during the year.

Libel/Slander Laws: Criminal defamation provisions prohibit libel and slander, which are punishable with five-year prison terms.

Elements within the government, including police and the judiciary, selectively used criminal defamation and blasphemy laws to intimidate individuals and restrict freedom of expressions. In May, South Kalimantan police arrested and detained journalist Diananta Putra Sumedi for online defamation, accusing him of misquoting the head of a local Dayak ethnic group association in a November 2019 article about a dispute with a palm oil company. In August he was sentenced to

three months and 15 days in prison for “inciting hatred.” On July 13, district police of Mimika, Papua, referred a slander investigation involving a Papuan identified only by the initials ST and the chief of Papua provincial police to local prosecutors. Police had arrested ST on May 27 in the Kuala Kencana area for a Facebook post that accused the police chief of using the COVID-19 pandemic to incite the killing of students near the Grasberg mine in Mimika (see section 1.a.) and medical workers in Intan Jaya Regency.

National Security: The government used legal provisions barring advocacy of separatism to restrict the ability of individuals and media to advocate peacefully for self-determination or independence in different parts of the country.

Nongovernmental Impact: Hardline Muslim groups sometimes intimidated perceived critics of Islam. In August several Islamic organizations associated with the South Sulawesi chapter of the United Islam Community Forum released a statement condemning the Shia community and their plans to celebrate the Islamic holiday of Ashura. In their statement, the constituent organizations said they would disperse any events that the Shia community planned.

In May a group of law students (the Constitutional Law Society) from Gajah Mada University were forced to cancel an academic discussion with the theme, “Dismissing the President in a Pandemic, a Constitutional Perspective,” after speakers and event coordinators received death threats.

Media organizations complained of hacking attacks following the publication of articles critical of the government’s response to the COVID-19 pandemic. According to the Independent Journalist Alliance, at least four media organizations have been targeted in digital attacks, ranging from denial of service attacks to doxing and the hacking of media servers and the removal of stories. For example, in August the Tempo.co website was hacked and the site’s welcome page was replaced with the text, “stop hoaxes, do not lie to the Indonesian people. Return to the proper journalistic ethical code.” An August attack against Tirto.id after publishing articles critical of the State Intelligence Agency and the armed forces’ involvement in formulating a COVID-19 treatment led to the sudden disappearance of articles from the website.

## **Internet Freedom**

The government prosecuted individuals for free expression under a law that bans online crime, pornography, gambling, blackmail, lies, threats, and racist content

and prohibits citizens from distributing in electronic format any information deemed by the court defamatory. The law carries maximum penalties of six years in prison, a substantial fine, or both. NGOs have criticized the law's vague and ambiguous provisions, which they note have been misused by authorities and private individuals to silence and punish critics, leading to increased self-censorship by journalists and activists.

Moreover, officials used direct pressure on internet service providers to degrade perceived opponents' online communications. In June, however, courts determined that government officials exceeded their authority in directing internet service providers to slow internet connections in Papua and West Papua in response to protests in August and September 2019. The court determined that the government failed to prove that the country was in a true "state of emergency" when it chose to impose the internet restrictions.

In June multiple NGOs and Papuan activists reported repeated disruptions of online discussions on Papuan issues. Unnamed actors attempted to dox Papuan activists and hacked into Zoom discussions to threaten meeting participants. During August and September, protests in Papua, Jakarta, and elsewhere, authorities limited access to the internet or to particular social media sites, stating this was done to prevent the spread of disinformation.

National police increased social media monitoring to prevent the spread of false information and acts of contempt against President Jokowi and his administration during the COVID-19 pandemic. Human rights contacts noted that the police established several task forces dedicated to combating false information and executed more than 9,000 "cyber patrols," resulting in blocking or deleting more than 2,000 social media accounts. Those alleged to have insulted the president or government officials could be charged with defamation and insult, with a maximum sentence of 18 months in prison. In May former army officer Ruslan Buton was arrested in Southeast Sulawesi for criticizing President Jokowi's leadership during the pandemic and calling for his resignation.

The Ministry of Communication and Information Technology continued to request that internet service providers block access to content containing "prohibited electronic information," including pornography, radical religious content, extortion, threats, and hate speech. Failure to enforce these restrictions could result in the revocation of a provider's license. The government also intervened with social media, search engines, app stores, and other websites to remove offensive

and extremist content and revoked the licenses of those that did not promptly comply with government demands.

### **Academic Freedom and Cultural Events**

The government generally did not place restrictions on cultural events or academic freedom, but occasionally disrupted sensitive cultural events or activities or failed to prevent hardline groups from doing so. Universities and other academic institutions also sometimes succumbed to pressure from Islamist groups seeking to restrict sensitive events and activities.

The government-supervised Film Censorship Institute censored domestic and imported movies for content deemed religiously or otherwise offensive.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of peaceful assembly and association, but the government sometimes restricted these freedoms.

#### **Freedom of Peaceful Assembly**

The law provides for freedom of assembly, and outside Papua the government generally respected this right. The law requires demonstrators to provide police with written notice three days before any planned demonstration and requires police to issue a receipt for the written notification. This receipt acts as a de facto license for the demonstration. Police in Papua routinely refused to issue such receipts to would-be demonstrators out of concern the demonstrations would include calls for independence, an act prohibited by law. A Papua provincial police decree prohibits rallies by seven organizations labeled as proindependence, including the National Committee of West Papua, the United Liberation Movement for West Papua, and the Free Papua Movement. Restrictions on public gatherings imposed to address the COVID-19 pandemic limited the public's ability to demonstrate.

In July police aggressively dispersed members of the Papuan Student Alliance in Denpasar, Bali; local student activists uploaded videos of this to Facebook. The videos showed police using a water cannon against students peacefully commemorating members of the Free Papua Movement killed during a military operation in 1998 in Biak, Papua. The director of a local legal aid foundation

reported that police used force against multiple participants and confiscated participants' and organizers' banners and posters.

In December 2019 the University of Khairun in Ternate, North Maluku, expelled students Fahrul Abdulah Bone, Fahyudi Kabir, Ikra S Alkatiri, and Arbi M Nur for joining a demonstration outside of Muhammadiyah University in Ternate that supported Papuan dissidents. The university released a statement confirming the dismissal of the four students, arguing they had “defamed the good name of the university, violate[d] student’s ethics, and threaten[ed] national security.” In April the dismissed students, with the help of Ambon Ansor Legal Aid, sued the university in the Ambon state administrative court. Local courts dismissed the students’ lawsuit, leading the students to appeal the decision in the Makassar administrative court. Proceedings continued as of October.

In October mass protests erupted nationwide in opposition to a newly passed omnibus law on economic reforms. A wide range of civil society groups participated in the protests, including the Anti-Communist National Alliances, which includes the Islamic Defenders Front and the (Islamist) 212 Alumni, labor activists and unions, including the Indonesian Worker’s Union, and student organizations. Protesters voiced concerns regarding provisions affecting environmental protection, civil liberties, and labor rights. Some demonstrations turned violent, and property damage was notable in several neighborhoods in Jakarta. Police were criticized for their use of tear gas against demonstrators.

### **Freedom of Association**

The constitution and law provide for freedom of association, which the government generally respected. The regulations on registration of organizations were generally not onerous. Some lesbian, gay, bisexual, transgender, and intersex (LGBTI) advocacy groups, however, reported that when attempting to register their organizations, they were unable to state explicitly that they were LGBTI advocacy groups on their registration certificate.

To receive official registration status, foreign NGOs must have a memorandum of understanding with a government ministry. Some organizations reported difficulties obtaining these memoranda and claimed the government withheld them to block their registration status, although cumbersome bureaucracy within the Ministry of Law and Human Rights was also to blame.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

#### **d. Freedom of Movement**

The law provides for freedom of internal movement and generally allows for travel outside of the country. The law gives the military broad powers in a declared state of emergency, including the power to limit land, air, and sea traffic. The government did not use these powers during the year.

In-country Movement: The government continued to impose administrative hurdles for travel by NGOs, journalists, foreign diplomats, and others to Papua and West Papua. After the COVID-19 pandemic began, authorities severely limited movement in and out of Papua and West Papua, enforcing these restrictions far more strictly and for a longer period than elsewhere.

#### **e. Status and Treatment of Internally Displaced Persons**

The government collects data on displacement caused by natural hazards and conflict through the National Disaster Management Authority, although the lack of systematic monitoring of return and resettlement conditions made it difficult to estimate reliably the total number of internally displaced persons (IDPs). The Internal Displacement Monitoring Center reported there were 104,000 IDPs due to disasters and 40,000 IDPs due to conflict and violence as of December 2019.

The law stipulates the government must provide for “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.” IDPs in towns and villages were not abused or deprived of services or other rights and protections, but resource and access constraints delayed or hindered the provision of services to IDPs in some cases, notably for those who fled to the countryside and forests to escape conflict in Papua and West Papua.

The return of persons displaced by conflict in Papua and West Papua has been slow and difficult. More than 10,000 residents of Wamena who fled violence there in 2019 had not returned to their homes as of September. Other groups of civilians who reportedly fled government-insurgent clashes faced potential violence from security forces when attempting to return to their homes, as was the case for a

group of dozens of persons attempting to return to the Keyenam District of West Papua in July.

#### **f. Protection of Refugees**

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers.

Abuse of Migrants, Refugees, and Stateless Persons: Migrant workers were often subjected to police extortion and societal discrimination.

Rohingya Muslims were a small but growing segment of the refugee and asylum-seeker population. In August some Rohingya refugees and supporters in Makassar, South Sulawesi, protested in front of the city legislature, demanding greater recognition and respect for their human rights. Members of the community stated they were often denied proper medical treatment and received no support when filing for asylum. Community representatives also alleged the government aggressively monitored them and that they faced severe restrictions on their freedom of movement--for example, Rohingya who married locals were not permitted to leave refugee housing--and challenges finding work.

Access to Asylum: The country is not a signatory to the 1951 UN refugee convention and does not allow permanent local settlement or naturalization of asylum seekers or persons judged to be refugees. The government allows refugees to settle temporarily while awaiting permanent resettlement. The law acknowledges UNHCR's role in processing all refugee status determinations in the country. Regulations establish a detailed refugee management process, outlining the specific responsibilities of national and subnational agencies from the time of refugee arrival to departure for resettlement or repatriation. UNHCR officials reported 13,612 known refugees and asylum seekers were in the country as of July.

Employment: The government prohibits refugees from working, although it did not strictly enforce this prohibition.

Access to Basic Services: The government does not generally prohibit refugees from accessing public elementary education, although many barriers prevented enrollment of more than a small number of refugee children, including lack of access to government-issued student identification numbers. A small number of refugees enrolled in language and other classes in private, refugee-run schools or in NGO-sponsored programs. Refugees have access to basic public health services

through local health clinics, which the government subsidizes. Treatment for more serious conditions or hospitalization, however, is not covered under this program.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: In April 2019 Joko Widodo (popularly known as Jokowi) won a second five-year term as president. Voters also elected new members of the House of Representatives and the Regional Representative Council, as well as provincial and local legislatures. Domestic and international observers deemed the elections free and fair.

Due to the COVID-19 pandemic, elections for some provincial and local executives originally scheduled for September 23 were postponed until December 9 to allow the government to implement heightened health safety protocols.

Political Parties and Political Participation: There are no inordinate restrictions on parties and political participation, although NGOs raised concerns about the growing number of uncontested races in the regional head elections, which they attribute in part to the high costs of launching successful political campaigns.

Participation of Women and Members of Minority Groups: No law limits participation of women and members of minority groups in the political process, and they did participate. The law on political parties mandates that women comprise a minimum of 30 percent of the founding membership of a new political party. As of November, 10.6 percent of candidates for the December local elections were women, lower than the 20.5 percent rate for the 2019 national elections, but higher than the 8.8 percent rate in the 2018 local elections.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, but government efforts to enforce the law were insufficient. Despite the arrest and conviction of many high-profile and high-ranking officials, there was a widespread perception that corruption remained endemic. The Corruption Eradication Commission, national

police, the armed forces' Special Economics Crime Unit, and the Attorney General's Office may all investigate and prosecute corruption cases. Coordination between these offices, however, was inconsistent and in the case of the armed forces unit, nonexistent. The Corruption Eradication Commission does not have authority to investigate members of the military, nor does it have jurisdiction in cases where state losses are valued at less than one billion Indonesia rupees (IDR) (\$70,900).

Many NGOs and activists maintained that amendments in 2019 to the Corruption Commission statute weakened its ability to investigate corruption. The amendments established a supervisory body selected and appointed by the president, whose responsibilities include approving commission wiretaps and removed the commission's independent status by making it part of the executive branch. In the past, Corruption Eradication Commission investigators were sometimes harassed, intimidated, or attacked due to their anticorruption work.

Corruption: The Corruption Eradication Commission investigated and prosecuted officials suspected of corruption at all levels of government. Several high-profile corruption cases involved large-scale government procurement or construction programs and implicated legislators, governors, regents, judges, police, and civil servants. From mid-2019 to early in the year, the commission recovered state assets worth approximately IDR 385 billion (\$27.3 million). In 2019 the commission conducted 142 investigations, initiated 234 prosecutions, and completed 136 cases resulting in convictions.

On January 14, the Attorney General's Office arrested four persons for corruption at distressed state-owned insurer PT Asuransi Jiwasraya (Jiwasraya). According to the Supreme Audit Agency, all of the suspects were being investigated for receiving kickbacks in return for including high-risk stocks in Jiwasraya's investment mix and engaging in stock market rigging.

On July 16, a Jakarta court sentenced one officer to two years' and another to 18 months' imprisonment for throwing acid in the face of corruption investigator Novel Baswedan in 2017. Baswedan's face was badly scarred, and he lost 75 percent of his vision in the attack. Baswedan's work for the Corruption Eradication Commission had led to the conviction of numerous high-level officials. He denounced the court for not pursuing the masterminds of the attack and called for an independent commission to investigate.

In September local courts in Kendari, Southeast Sulawesi, formally charged Syaifullah (one name only), the former acting head of the Communication and Information Agency, with corruption. According to the district attorney, Syaifullah stole funds from the 2019 “Pokok Pikiran” program totaling IDR 50 million (\$3,550). Syaifullah faced a maximum sentence of five years and a fine. Police have not yet arrested Syaifullah because of concerns related to the COVID-19 pandemic.

According to NGOs and media reports, police commonly demanded bribes ranging from minor payoffs in traffic cases to large amounts in criminal investigations. Corrupt officials sometimes subjected Indonesian migrants returning from abroad, primarily women, to arbitrary strip searches, theft, and extortion.

Bribes and extortion influenced prosecution, conviction, and sentencing in civil and criminal cases. Anticorruption NGOs accused key individuals in the justice system of accepting bribes and condoning suspected corruption. Legal aid organizations reported cases often moved very slowly unless a bribe was paid, and in some cases prosecutors demanded payments from defendants to ensure a less zealous prosecution or to make a case disappear.

The National Ombudsman Commission received complaints related to litigation favors and maladministration in court decisions. In 2019 the Judicial Commission received 1,544 public complaints of judicial misconduct and recommended sanctions against 130 judges accused of manipulating trials.

Financial Disclosure: The law requires senior government officials and other officials working in certain agencies to file financial disclosure reports. The law requires that the reports include all assets held by the officials, their spouses, and their dependent children. The law requires reports be filed when the official takes office, every two years thereafter, within two months of leaving office, and immediately upon request by the corruption commission. The commission is responsible for verifying disclosures and publicizing them in the *State Gazette* and on the internet. There are criminal sanctions for noncompliance in cases involving corruption and compliance is generally high. Not all assets were verified due to commission resource limitations.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Domestic and international human rights organizations generally operated without government restriction (except in Papua and West Papua), investigating and publishing findings on human rights cases and advocating improvements to the government's human rights performance. Government representatives met with local NGOs, responded to their inquiries, and took some actions in response to NGO concerns. Some officials, particularly those based in Papua and West Papua, subjected NGOs to monitoring, harassment, interference, threats, and intimidation. In the aftermath of August/September 2019 unrest in Papua, then coordinating minister for political, legal, and security affairs Wiranto said that the government would "temporarily limit access to Papua," due to security concerns. As of September access for journalists, foreign diplomats and nonresidents remained heavily restricted.

The United Nations or Other International Bodies: The government permitted UN officials to monitor the human rights situation in the country. Security forces and intelligence agencies, however, tended to regard foreign human rights observers with suspicion, especially those in Papua and West Papua, where their operations were restricted.

Government Human Rights Bodies: Many independent agencies addressed human rights problems, including the Office of the National Ombudsman, the National Commission on Violence against Women, and the National Human Rights Commission. The government is not required to adopt their recommendations and at times avoided doing so. Some agencies, including the human rights and violence against women commissions, may refer cases to police or prosecutors.

The Aceh Truth and Reconciliation Commission, established to investigate human rights violations perpetrated by the government and the then active Free Aceh Movement between 1976 and 2005, has taken 3,040 statements from victims, former separatists, and witnesses. Since 2018 the commission has conducted three sets of public hearings; one local hearing in Lhokseumawe, North Aceh; and two thematic hearings in Banda Aceh in which victims of human rights abuses gave public testimony. Budget constraints continued to pose challenges for the Truth and Reconciliation Commission, and its budget was further reduced during the year to reallocate funds for COVID-19 emergency response.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law prohibits rape, domestic abuse, and other forms of violence against women. The legal definition of rape covers only forced penetration of sexual organs, and filing a case requires a witness or other corroboration. Rape is punishable by four to 14 years in prison. While the government imprisoned some perpetrators of rape and attempted rape, sentences were often light, and many convicted rapists received the minimum sentence. Marital rape is not a specific criminal offense in law but is covered under “forced sexual intercourse” in national legislation on domestic violence and may be punished with criminal penalties.

The National Commission on Violence against Women’s annual report recorded a 6-percent increase in known cases of all types of violence against women over the 2019 report. According to the report, the majority of incidents were domestic violence cases. Civil society activists underscored that many cases go unreported, as many victims do not report abuse because of fear of social stigma, shame, and lack of support from friends and family. According to the national commission, from January to May there were 892 reported cases of violence against women, with the majority occurring after lockdown policies were implemented in response to the COVID-19 pandemic. This figure is equivalent to 63 percent of total cases reported during the entirety of 2019.

Civil society organizations operated integrated service centers for women and children in all 34 provinces and approximately 436 districts and provided counseling and support services of varying quality to victims of violence. Larger provincial service centers provided more comprehensive psychosocial services. Women living in rural areas or districts with no such center had difficulty receiving support services, and some centers were only open for six hours a day, not the required 24 hours. Nationwide, police operated “special crisis rooms” or “women’s desks” where female officers received reports from female and child victims of sexual assault and trafficking and where victims found temporary shelter.

In addition to 32 provincial-level anti-trafficking-in-persons task forces, the government has 251 task forces at the local (district or city) level, which were usually chaired by the head of the local integrated service center or of the local social affairs office.

Female Genital Mutilation/Cutting (FGM/C): FGM/C reportedly occurred regularly. A 2017 UNICEF report based on 2013 government data estimated that 49 percent of girls age 11 and younger underwent some form of FGM/C, with the

majority of girls subjected to the procedure before they were six months old. Media reports said that annual mass circumcisions still occur, including ceremonies organized by the As-Salaam Foundation, which paid parents to allow their daughters to undergo the Type IV procedure which, according to the World Health Organization, includes pricking, scraping, or piercing for nonmedical reasons. National law prohibiting this practice has never been tested in court as nobody has ever been charged for performing FGM/C.

The Ministry of Women's Empowerment and Child Protection continued to lead official efforts to prevent FGM/C. In 2019 the ministry created an intergovernmental roadmap with the aim of eliminating FGM/C by 2030. The strategy involves building an anti-FGM/C consensus from the bottom up, beginning with efforts to develop more complete data on FGM/C to attract public attention, dispel old myths, and measure progress on stopping the practice. The roadmap also involves working with local religious and community leaders to educate the public about the harmful effects of FGM/C.

Sexual Harassment: The law prohibiting indecent public acts serves as the basis for criminal complaints stemming from sexual harassment. Violations are punishable by imprisonment of up to two years and eight months and a small fine. Civil society and NGOs reported sexual harassment was a problem countrywide. In July the House of Representatives dropped a long-sought sexual violence eradication bill from the year's legislative program, using delays imposed by the COVID-19 pandemic as an excuse. Sexual violence victims and victim rights activists were disappointed by this decision, and a coalition of organizations (the Women's Anti-Violence Movement Alliance) organized weekly protests in front of House of Representatives to push for the bill's passage.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The law provides the same legal status and rights for women and men in family, labor, property, and nationality law, but it does not grant widows equal inheritance rights. The law states that women's work outside their home must not conflict with their role in improving family welfare and educating the younger generation. The law designates the man as the head of the household.

Divorce is available to both men and women. Many divorced women received no alimony, since there is no system to enforce such payments. The law requires a

divorced woman to wait 40 days before remarrying; a man may remarry immediately.

The National Commission on Violence against Women viewed many local laws and policies as discriminatory. These included “morality laws” and antiprostitution regulations. More than 70 local regulations in various locations throughout the country require women to dress conservatively or wear a headscarf. In June the regent of Central Lombok ordered all female Muslim civil servants to wear a *cadar* or *niqab* Islamic face covering instead of a facemask as part of the battle against the COVID-19 pandemic. Human rights activists viewed this instruction as discriminatory since male civil servants and non-Muslim women faced no restrictions on their attire. The Ministry of Home Affairs is responsible for “harmonizing” local regulations that are not in line with national legislation and may recommend to the Constitutional Court that local regulations be overturned. To date the ministry has not invoked this authority.

Women faced discrimination in the workplace, both in hiring and in gaining fair compensation (see section 7.d.).

## **Children**

Birth Registration: Citizenship is derived through one’s parents or through birth in national territory. Birth registration may be denied if the citizenship of the parents cannot be established. Without birth registration, families may face difficulties in accessing government-sponsored insurance benefits and enrolling children in schools.

The law prohibits fees for legal identity documents issued by the civil registry. Nevertheless, NGOs reported that in some districts local authorities did not provide free birth certificates.

Education: Although the constitution states that the government must provide free education, it does not cover fees charged for schoolbooks, uniforms, transportation, and other nontuition costs. The Ministry of Education and Culture, representing public and private schools, and the Ministry of Religious Affairs for Islamic schools and madrassahs, operated a system giving students from low-income families a financial grant for their educational needs. Nonetheless, high poverty rates nationwide put education out of reach for many children.

According to the National Statistics Agency's most recent data, in 2017 approximately two million children ages seven to 15 did not attend primary or secondary school, and the enrollment rate in some districts was as low as 33 percent.

**Child Abuse:** The law prohibits child abuse, but NGOs criticized the slow police response to such allegations. The law also addresses economic and sexual exploitation of children. Some provincial governments did not enforce these provisions. In June a church caretaker was arrested for allegedly molesting at least 20 altar boys between the ages of 11 and 15 since 2002. He faced five to 15 years' imprisonment and a substantial fine. The same month police arrested a French retiree resident in Jakarta on charges he molested more than 300 children and beat those who refused to have sex with him. He was also accused of videotaping these children, and police were investigating whether he attempted to sell the videos. According to police, he committed suicide in July while in custody before his trial was completed.

**Child, Early, and Forced Marriage:** In September 2019 the national legislature raised the minimum marriage age for women from 16 to 19; it was already 19 for men. Exceptions to the minimum age requirements are allowed with court approval. The courts officially permitted more than 33,000 child marriages with parental consent between January and June of this year, a significant increase over the 24,000 child marriages permitted in the whole of 2019. Children's rights activists are concerned that increased economic pressure from COVID-19 may be leading parents to resort to child marriage to reduce the economic burden on their households. The National Statistics Agency reported in 2018 that approximately 11 percent of girls in the country marry before the age of 18. Provinces with the highest rates of early marriage include West Sulawesi, Central Kalimantan, Southeast Sulawesi, South Kalimantan, and West Kalimantan. The main drivers of early marriage are poverty, cultural tradition, religious norms, and lack of sexual reproductive health education.

The reduction of child marriage is one of the targets set in the National Mid-Term Development Plan 2020-2024. The government aims to reduce new child marriages in the country to 8.7 percent of all marriages by 2024. On February 4, the government launched a National Strategy on the Prevention of Child Marriage.

**Sexual Exploitation of Children:** The law forbids consensual sex outside of marriage with girls younger than 15. It does not address heterosexual acts between women and boys, but it prohibits same-sex sexual acts between adults and minors.

The law prohibits the commercial sexual exploitation of children and the use of children in illicit activities. It also prohibits child pornography and prescribes a maximum sentence of 12 years and a substantial fine for producing or trading in child pornography.

According to 2016 data, the most recent available from the Ministry of Social Affairs, there were 56,000 underage sex workers in the country; UNICEF estimated that nationwide 40,000 to 70,000 children were victims of sexual exploitation and that 30 percent of female commercial sex workers were children.

Displaced Children: The most recent Ministry of Social Affairs data from 2017 estimated there were 16,000 street children in the country. The government continued to fund shelters administered by local NGOs and paid for the education of some street children. The social welfare ministry in 2019 indicated that 183,104 children were registered in its Integrated Social Welfare Data system, of whom 106,406 were residing in child welfare institutions, with 76,698 in family placement. The ministry indicated that 8,320 street children were receiving assistance, although NGOs noted that the actual number of street children was significantly higher.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's Annual Report on International Parental Child Abduction at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

The country's Jewish population was extremely small, estimated at approximately 200. There were no significant reports of anti-Semitism during the year, but studies in recent years indicated a high level of anti-Semitic sentiment.

### **Trafficking in Persons**

See the Department of State's Trafficking in Persons Report at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities and mandates accessibility to public facilities for persons with disabilities. The law applies to education, employment, health services, and other state services but was seldom enforced. Comprehensive disability rights law provisions impose criminal sanctions for violators of the rights of persons with disabilities.

Vulnerable segments of society, including persons with disabilities, have been disproportionately affected by the COVID-19 crisis. They have experienced difficulties accessing information on the pandemic, adopting virus-related public health strategies, and receiving health care from service providers.

According to government data, approximately 30 percent of the 1.6 million children with disabilities had access to education. More than 90 percent of blind children reportedly were illiterate. In February and July, the government issued new regulations requiring courts be made accessible for persons with disabilities and that educational facilities at all levels be made accessible for persons with disabilities.

According to the General Election Commission, there were potentially 137,247 voters with disabilities out of 105 million voters registered to vote in regional head elections. The numbers, however, may change as voter verification continues. The law provides persons with disabilities the rights to vote and run for office and election commission procedures provide for access to the polls for voters with disabilities.

Despite a government ban, NGOs reported that families, traditional healers, and staff in institutions continued to shackle individuals with psychosocial disabilities, in some cases for years. The government continued to prioritize elimination of this practice, and the Ministry of Social Affairs signed memoranda of understanding with relevant ministries and law enforcement agencies to increase coordination to address the issue. While recognizing incidents of “shackling” continued to decline, NGOs noted a lack of public awareness of the issue.

## **Indigenous People**

The government views all citizens as “indigenous” but recognizes the existence of several “isolated communities” and their right to participate fully in political and social life. The Indigenous Peoples’ Alliance of the Archipelago estimated that between 50 and 70 million indigenous persons were in the country. These

communities include the Dayak tribes of Kalimantan, families living as sea nomads, and the 312 officially recognized indigenous groups in Papua. Indigenous persons, most notably in Papua and West Papua, were subjected to discrimination, and there was little improvement in respect for their traditional land rights. The government failed to prevent companies, often in collusion with local military and police units, from encroaching on indigenous persons' land. Central and local government officials were also alleged to have extracted kickbacks from mining and plantation companies in exchange for land access at the expense of indigenous peoples.

Mining and logging activities, many of them illegal, posed significant social, economic, and legal problems for indigenous communities. Melanesians in Papua cited racism and discrimination as drivers of violence and economic inequality in the region.

Since 2016 the government has granted more than 50,000 acres of forest concessions to nine local indigenous groups. These *hutan adat* (customary forest) land grants were a new land classification specifically designated for indigenous groups. Nevertheless, access to ancestral lands remained a major source of tension throughout the country, and large corporations and the government continued to displace individuals from ancestral lands.

On February 17, police arrested Dilik Bin Asap and Hermanus Bin Bison following allegations by palm oil company PT Hamparan Masawit Bangun Persada that the two men had harvested fruit on land claimed by the company in Lamandau District, Central Kalimantan. The land is also claimed by local Dayak villagers who said the government improperly issued a land concession to the company that overlaps with Dayak lands. Community lobbying efforts to resolve the dispute have remained unsuccessful.

On March 7, Jakarta police also arrested farmer and land rights activist James Watt, who had gone to Jakarta to report the arrests of Dilik and Hermanus to the National Human Rights Commission. Following Watt's arrest, he was returned to Kalimantan and charged with orchestrating the alleged improper use of land. On April 26, Watt's codefendant Bin Bison died in pretrial detention. Authorities denied petitions from his lawyers for his release for medical treatment as his condition worsened. On June 15, a local court convicted Bin Asap and Watt of the theft. The two announced plans to appeal.

In August in connection with the same dispute, police arrested Effendi Buhing, leader of the local Dayak indigenous community, for directing locals to steal equipment from the palm oil company. Police released Effendi after two days in detention. Effendi subsequently reported his arrest to the National Human Rights Commission.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

No national law criminalizes same-sex sexual activity, except between adults and minors. Aceh's sharia law makes consensual same-sex sexual activities illegal and punishable by a maximum of 100 lashes, a considerable fine, or a 100-month prison term. According to Aceh's sharia agency chief, at least four witnesses must observe individuals engaging in consensual same-sex sexual activities for them to be charged. Local organizations held anti-LGBTI protests.

Producing media depicting consensual same-sex sexual activity--vaguely and broadly defined in the law--is often prosecuted as a crime under the antipornography act. Penalties include potentially extremely large fines and imprisonment from six months to 15 years, with heavier penalties for crimes involving minors.

In September police arrested nine persons suspected of organizing a gay party at a Jakarta hotel. Police officials stated the nine were charged under pornography provisions of the criminal code. A coalition of NGOs protested the arrest, arguing that the activities did not constitute pornography under the law and that police exceeded their authority by arresting individuals for private conduct. Media reported police set up a special task force to investigate alleged homosexual activity.

Antidiscrimination law does not protect LGBTI individuals, and discrimination and violence against LGBTI persons continued. Families often put LGBTI minors into therapy, confined them to their homes, or pressured them to marry persons of the opposite sex.

According to media and NGO reports, local authorities harassed transgender persons, including by forcing them to conform to the cultural behavior associated with their biological sex, and forced them to pay bribes following detention. In many cases officials failed to protect LGBTI persons from societal abuse. Police corruption, bias, and violence caused LGBTI persons to avoid interaction with

police. Officials often ignored formal complaints by victims and affected persons, including refusing to investigate bullying directed at LGBTI individuals. In criminal cases with LGBTI victims, police investigated the cases reasonably well, as long as the suspect was not affiliated with police. Human Rights Watch Indonesia noted anti-LGBTI rhetoric in the country has increased since 2016.

In April a transgender woman was burned to death in Jakarta after she was accused of stealing. Police arrested four individuals and the cases were with the Attorney General's Office for prosecution.

Police arrested a social media personality after he posted a video of himself distributing boxes full of garbage disguised as food aid to transgender women. The victims settled the case and the charges were dropped. Members of the LGBTI community noted an increased level of intolerance after police in East Java opened six pedophilia cases against members of the LGBTI community in January and February.

Transgender persons faced discrimination in employment and access to public services and health care. NGOs documented government officials' refusal to issue identity cards to transgender persons. The law only allows transgender individuals officially to change their gender after the completion of sex reassignment surgery. Some observers claimed the process was cumbersome and degrading because it is permissible only in certain undefined special circumstances and requires a court order declaring that the surgery is complete.

LGBTI NGOs operated but frequently held low-key public events because the licenses or permits required for holding registered events were difficult to obtain.

### **HIV and AIDS Social Stigma**

Stigmatization and discrimination against persons with HIV/AIDS were pervasive, despite government efforts to encourage tolerance. Societal tolerance varied widely and official fear of a backlash from religious conservatives often resulted in muted prevention efforts. Societal barriers to accessing antiretroviral drugs compounded expenses and put these drugs beyond the reach of many. Persons with HIV/AIDS reportedly continued to face employment discrimination. Closer collaboration between the Ministry of Health and civil society organizations increased the reach of the government's awareness campaign; however, some clinics refused to provide services to persons with HIV/AIDS.

## **Other Societal Violence or Discrimination**

Individuals diagnosed with or suspected of having the COVID-19 virus faced discrimination in their communities.

Individuals suspected of using black magic were often targets of violence. In May a man was stabbed by someone accusing him of being a shaman. In July a mob attacked two men who were accused of using magic to multiply money.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, with restrictions, provides for the rights of workers to join independent unions, conduct legal strikes, and bargain collectively. The law prohibits antiunion discrimination.

Workers in the private sector have, in law, broad rights of association and formed and joined unions of their choice without previous authorization or excessive requirements. The law places restrictions on organizing among public-sector workers. Civil servants may only form employee associations with limitations on certain rights, such as the right to strike. Employees of state-owned enterprises may form unions, but because the government treats most such enterprises as essential national interest entities, their right to strike is limited.

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 records, rather than approves, the formation of a union, federation, or confederation and provides it with a registration number.

The law allows the government to petition the courts to dissolve a union if it conflicts with the constitution or the national ideology of Pancasila, which encompasses the principles of belief in one God, justice, unity, democracy, and social justice. Authorities may compel a union to dissolve if its leaders or members, in the name of the union, commit crimes against the security of the state and they may receive a minimum of five years in prison. Once a union is dissolved, its leaders and members may not form another union for at least three years. The International Labor Organization (ILO) noted its concern that dissolving a union could be disproportionate to the seriousness of the violation.

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 collective labor agreement (CLA). Workers and employers have 30 days to conclude a CLA before negotiations move to binding arbitration. CLAs have a two-year lifespan that the parties may extend for one year. Unions noted that the law allows employers to delay the negotiation of CLAs with few legal repercussions.

The right to strike is legally restricted. By law workers must give written notification to authorities and to the employer seven days in advance for a strike to be legal. The notification must specify the start and end time of the strike, venue for the action, and reasons for the strike, and it must include signatures of the chairperson and secretary of the striking union. Before striking, workers must engage in mediation with the employer and then proceed to a government mediator or risk having the strike declared illegal. In the case of an illegal strike, an employer may make two written requests within a period of seven days for workers to return. Workers who do not return to work after these requests are considered to have resigned.

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” are deemed illegal. Regulations do not specify the types of enterprises affected, leaving this determination to the government’s discretion. Presidential and ministerial decrees enable companies or industrial areas to request assistance from police and the military in the event of disruption of or threat to “national vital objects” in their jurisdiction. The ILO has observed that the definition of “national vital objects” was expanding and consequently imposing overly broad restrictions on legitimate trade union activity, including in export-processing zones. Regulations also classify strikes as illegal if they are “not as a result of failed negotiations.” Unions alleged that the government’s recent increase of the number of “national vital objects” was done to justify the use of security forces to restrict strike activity.

The government did not always effectively enforce provisions of the law protecting freedom of association or preventing antiunion discrimination. Antiunion discrimination cases moved excessively slowly through the court system. Bribery and judicial corruption in workers’ disputes continued, and unions claimed that courts rarely decided cases in the workers’ favor, even in cases in which the Ministry of Manpower recommended in favor of the workers. While such workers

sometimes received severance pay or other compensation, they were rarely reinstated. Authorities used some legal provisions to prosecute trade unionists for striking, such as the crime of “instigating a punishable act” or committing “unpleasant acts,” which criminalized a broad range of conduct.

Penalties for criminal violations of the law protecting freedom of association and the right to enter into collective labor agreements include a prison sentence and fines, and they were generally commensurate with similar crimes. Local Ministry of Manpower offices were responsible for enforcement, which was particularly difficult in export-promotion zones. Enforcement of CLAs varied based on the capacity and interest of individual regional governments.

Several common practices undermined freedom of association. Antiunion intimidation most often took the form of termination, transfer, or filing unjustified criminal charges. Labor activists claimed that companies orchestrated the formation of multiple unions, including “yellow” (employer-controlled) unions, to weaken legitimate unions. Some employers threatened employees who contacted union organizers. Companies often sued union leaders for losses suffered in strikes. Unions also alleged that employers commonly reassigned labor leaders deemed to be problematic.

Many strikes were unsanctioned or “wildcat” strikes that broke out after a failure to settle long-term grievances or when an employer refused to recognize a union. Unions reported that employers also used the bureaucratic process required for a legal strike to obstruct unions’ right to strike. Unions noted that employers’ delays in negotiating CLAs contributed to strike activity and legal measures taken against union members in the event of a failed CLA negotiation. The ILO cited the lack of a strong collective bargaining culture as a factor contributing to many labor disputes.

The increasing use of contract labor directly affected workers’ right to organize and bargain collectively. Under the law, contract labor is to be used only for work that is “temporary in nature”; a business may outsource work only when such work is an auxiliary activity of the business. Government regulations limit employers’ ability to outsource jobs to five categories of workers (cleaning services, security, transportation, catering, and work related to the mining industry). Nevertheless, many employers violated these provisions, sometimes with the assistance of local offices of the Ministry of Manpower. For example, unions reported that hotel owners often attempted to use the cleaning services exemption to justify terminating unionized hotel housekeeping staff and outsourcing those services.

On November 3, President Jokowi signed into law the Omnibus Bill on Job Creation, which made sweeping changes to more than 70 labor, tax, and other laws to cut red tape and make the country more open to investment. Labor unions and civil society organizations protested passage of the law, which they say weakens worker protections and allows encroachment on indigenous and protected land.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, prescribing penalties of imprisonment and a fine, which were commensurate with similar crimes.

In order to limit prospects for forced labor among Indonesian workers abroad, the National Social Security Administration enrolls these migrant workers and their families in the national social security program, enables authorities to prosecute suspects involved in illegal recruitment and placement of workers, and limits the role of private recruitment and placement agencies by revoking their authority to obtain travel documents for migrant workers. Government agencies may suspend the licenses of recruitment agencies for coercive or deceptive recruitment practices and contract signings, sending migrant workers to an unauthorized destination country, document forgery, underage recruitment, illegal fees (such as requesting several months of workers' salaries), and other violations.

The government continued its moratorium on sending domestic workers to certain countries where its citizens had been subjected to forced labor. Some observers noted this moratorium resulted in an increasing number of workers seeking the services of illegal brokers and placement agencies to facilitate their travel, increasing their vulnerability to human trafficking. The government has asserted such moratoriums are needed until receiving countries can guarantee protections against the abuse and exploitation of its migrant workers.

The government did not effectively enforce the law. There were credible reports that forced labor occurred, including forced and compulsory labor by children (see section 7.c.). Forced labor occurred in domestic servitude and in the mining, manufacturing, fishing, fish processing, construction, and plantation agriculture sectors.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

Law and regulations prohibit all labor by children between the ages of five and 12. Children ages 13 and 14 may work up to 15 hours per week; children ages 15 to 17 may work up to 40 hours per week (not during school or evening hours and with written permission from parents). The law prohibits the worst forms of child labor, as defined by the ILO. It does not, however, extend to the informal economy, where most child labor takes place. Companies which legally employ children for the purpose of artistic performances and similar activities are required to keep records of their employment. Companies that legally employ children for other purposes are not required to keep such records. In 2019 through its Family Hope Program, the government removed 18,000 children from child labor.

The government did not effectively enforce the law prohibiting the worst forms of child labor, since it did not effectively investigate, prosecute, or sanction persons who involve children in the production, sale, or trafficking of illicit drugs. Penalties were commensurate with those for similar crimes.

Child labor commonly occurred in domestic service, rural agriculture, light industry, manufacturing, and fishing. The worst forms of child labor occurred in commercial sexual exploitation, including the production of child pornography (also see section 6, Children); other illicit activities, including forced begging and the production, sale, and trafficking of drugs; and in fishing and domestic work.

According to a 2019 National Statistics Agency report, there were approximately 1.6 million children ages 10 to 17 working, primarily in the informal economy.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination in employment and occupation but not specifically with respect to sexual orientation or gender identity, national origin or citizenship, age, language, or HIV or other communicable disease status. There were no legal restrictions against women in employment to include limiting working hours, occupations, or tasks.

The government did not effectively enforce the law. Penalties were commensurate with those for violations of similar laws, but they were not applied outside the formal sector. According to NGOs, antidiscrimination protections were not always observed by employers or the government. Human rights groups reported some government ministries discriminated against pregnant women, persons with disabilities, LGBTI individuals, and HIV-positive persons in hiring. For example, in November 2019 the Attorney General's office openly stated it would not accept applications from persons with disabilities or LGBTI applicants. The Ministry of Manpower, the Women's Empowerment and Child Protection Agency, the Ministry of Home Affairs, and the National Development Planning Board worked in partnership to reduce gender inequality, including supporting equal employment opportunity task forces at the provincial, district, and municipal levels. Women, however, still lagged behind men in wages.

Migrant workers and persons with disabilities commonly faced discrimination in employment and were often only hired for lower status jobs.

Some activists said that in manufacturing, employers relegated women to lower paying, lower level jobs. Jobs traditionally associated with women continued to be significantly undervalued and unregulated. NGOs reported discriminatory behavior toward domestic workers continued to be rampant.

#### **e. Acceptable Conditions of Work**

Minimum wages varied throughout the country, since provincial governors had authority to set a minimum wage floor and district heads had authority to set a higher rate. Minimum wages were above the official poverty line.

Government regulations exempt employers in certain sectors, including small and medium enterprises and labor-intensive industries such as textiles, from minimum wage requirements.

The overtime rate for work in excess of a 40-hour workweek 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 a maximum of 14 hours per week.

The law requires employers to provide a safe and healthy workplace and to treat workers with dignity. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment.

Local officials from the Ministry of Manpower are responsible for enforcing minimum wage, work hours, and health and safety regulations. Penalties for violations include fines and imprisonment (for violation of the minimum wage law), which were generally commensurate with those for similar crimes.

Government enforcement remained inadequate, particularly at smaller companies, and supervision of labor standards continued to be not fully enforced. Provincial and local officials often did not have the technical expertise needed to enforce labor law effectively. The number of inspectors was inadequate to enforce compliance, although in 2019 the government substantially increased its labor inspectorate funding, with a specific budget for enforcing child labor regulations.

Authorities enforced labor regulations, including minimum wage regulations, only for the estimated 43 percent of workers in the formal sector. Workers in the informal sector did not receive the same protections or benefits as workers in the formal sector, in part because they had no legal work contract that labor inspectors could examine.

The law does not mandate that employers provide domestic workers with a minimum wage, health insurance, freedom of association, an eight-hour workday, a weekly day of rest, vacation time, or safe work conditions.

Plantation agriculture workers often worked long hours without government-mandated health insurance benefits. They lacked proper safety gear and training in pesticide safety. Most plantation operators paid workers by the volume of crop harvested, which resulted in some workers receiving less than minimum wage and working extended hours to meet volume targets.

Unions continued to urge the government, especially the Ministry of Manpower, to do more to address the country's poor worker safety record and lax enforcement of health and safety regulations, particularly in the construction sector. There were no reliable national estimates for workplace deaths or injuries. In April the Confederation of Worker's Union urged the government to require business owners to comply with government requirements to suspend operations during COVID-19 lockdowns because many factory workers were required to report to work by their employers in defiance of government lockdown orders.