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U.S. Department of State

Indonesia Report on Human Rights Practices for 1997

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INDONESIA

Despite a surface adherence to democratic forms, the Indonesian political system remains strongly authoritarian. The Government is dominated by an elite comprising President Soeharto (now in his sixth 5-year term), his close associates, and the military. The Government requires allegiance to a state ideology known as "Pancasila," which stresses consultation and consensus, but is also used to limit dissent, to enforce social and political cohesion, and to restrict the development of opposition elements. The judiciary is effectively subordinated to the executive and the military and suffers from corruption.

The primary mission of the 450,000-member armed forces, which includes 175,000 police, is maintenance of internal security and stability. Despite a decrease in the number of active or retired military officers in key government positions, the military retained substantial nonmilitary powers under a "dual function" concept that accords it a political and social role in "developing the nation." The military and the police continued to commit numerous human rights abuses.

The currency crisis that hit the region in the middle of the year slowed the expansion of the economy which had been vigorous and rapid in past years. The benefits of economic development are widely dispersed and living standards have risen significantly, but a large segment of the population remains poor. Pervasive corruption remains a problem. Sporadic unrest led to stronger demands that the Government act more effectively to address social and economic inequities. In rural areas, discontent often focused on the grievances of small land owners--especially those forced off their land by powerful economic and military interests. In some regions, exploitation of natural resources has entailed significant environmental degradation with adverse social consequences.

The Government continued to commit serious human rights abuses. Rising pressures for change from political activists and opponents met tough government reactions prior to the May general election. The Government demonstrated that it would not tolerate challenges to the fundamental elements of the political system by arresting and placing on trial some of its critics. The authorities maintained their tight grip on the political process, and in the May parliamentary election, as in the previous five held since 1971, denied citizens the ability to change their government democratically. The structure of the political system continued to ensure victory for the ruling GOLKAR party, which secured its biggest win ever. The Government did not permit the ousted Indonesian Democratic Party (PDI) leader Megawati Sukarnoputri and her supporters to run in the general election or to make common cause with the Muslim-oriented United Development Party (PPP). The election and campaign were marred by credible allegations of fraud as well as by sporadic, yet significant, violence between parties, including the government-sponsored GOLKAR organization. Security forces continued extrajudicial killings, including of unarmed civilians, disappearances, torture and mistreatment of detainees, and arbitrary arrests and detention. In practice legal protections against torture are inadequate. Prison conditions remained harsh. The judiciary is pervaded by corruption, and remains subordinated to the executive branch, which uses the courts to prosecute government critics and political opponents. Most courts refused to hear the lawsuits filed throughout Indonesia by Megawati Sukarnoputri and her supporters protesting her ouster as PDI leader, although a few at a preliminary level accepted the case and ruled in her favor. Security forces regularly violated citizens' right to privacy.

The Government continued to impose serious limitations on freedom of speech and restrict press freedom, although at year's end government critics were speaking out more boldly. The Government exercises indirect control over the press and uses intimidation to suppress hostile commentary and encourages self-censorship. Mild criticism of the Government was tolerated, but critics of the President, senior officials, or powerful local interests risked harassment or arrest. Despite these problems, the print media provided wide coverage of political issues and reports of human rights violations. Fourteen young activists belonging to, or associated with, the small, unauthorized, People's Democratic Party (PRD) were convicted of subversion based mostly on their writings, speeches, and organizational activities. Independent labor leader Muchtar Pakpahan faced subversion charges based mainly on expression of his political views but also including his labor activities. Former parliamentarian Sri Bintang Pamungkas was brought to trial in December under the Antisubversion Law for the political views and actions of his unrecognized Indonesian Democratic Union Party (PUDI). Parliamentarian Aberson Marle Sihalolo was sentenced to 9 months in prison for allegedly insulting the President and military in remarks made at a "free speech forum" in July 1996 at the former PDI headquarters. An assistant to the author of a book banned by the Government was brought to trial for his role in its publication.

The Government continued to impose serious limitations on freedom of assembly and association. It prevented or broke-up meetings of nongovernmental organizations (NGO's) and labor unions, as well as peaceful demonstrations, sometimes violently. It brought to trial a Catholic priest and his brother for protecting political activists who in 1996 had been sought by the police. However, there were notable examples of well-publicized meetings, seminars, and gatherings on sensitive subjects, as well as public demonstrations, that were not stopped. Security forces generally refrained from using force to stop the prohibited, massive street rallies that dominated the election campaign and in most cases did not use lethal force in responding to major riots. On occasion security forces were criticized for not acting in time to protect citizens and property from the largescale destruction that occurred. The rioting resulted from a combination of economic, communal, ethnic, religious and political factors. It began in 1996, continued into 1997, abated after the May general election, and erupted again in Ujung Pandang, South Sulawesi in September. Despite their reduced use of lethal force, security forces often reacted harshly to peaceful demonstrations or in disputes with citizens.

The Government legally provides for religious freedom for five accepted religions; unrecognized

religions are subject to restrictions. The Government did not fully investigate or resolve many cases of attacks on religious facilities and churches during riots, although it issued several public appeals for religious tolerance. The Government continued to restrict freedom of movement. Discrimination against women, the disabled, and ethnic minorities, and violence against women are endemic problems.

The Government maintained its opposition to alternatives to the Government-sponsored labor movement and to the development of a free trade union movement, but permitted a very open debate over a new basic labor law. Members of the principal unauthorized labor organization cited continued instances of harassment, and security authorities shut down the organization's planned 3-day congress in September on the first day. The Government urged employers to pay on time the increased minimum wage and mandated benefits, and implemented a new audit system for worker safety and health. However, enforcement of labor standards remained weak. The Government and the International Labor Organization (ILO) signed a new memorandum of understanding on child labor to promote the protection of working children and to move progressively toward elimination of child labor. However, millions of children still work, often under poor conditions, and are thus unable to attend school. Some children forced to work under conditions of bonded labor reportedly suffer abuse.

There were some potentially positive developments. For example, the Independent Election Monitoring Committee (KIPP) carried out limited, yet significant, monitoring activities during the campaign and the parliamentary election. Although the Government refused to recognize the KIPP and restricted its activities, the organization gathered information about election violations and presented it to the public. The National Commission on Human Rights, despite limited resources and occasional government pressure, undertook investigations and publicized its independent findings and recommendations, but lacked enforcement powers. The Government ignored or responded slowly to some Commission findings. The increase in private human rights monitoring in East Timor was a positive development, and the Government took some actions in response to criticism of its human rights performance; for example, a human rights and international law training seminar was conducted for the military by the International Committee of the Red Cross (ICRC).

In East Timor, following massive December 1996 demonstrations in support of Nobel Peace Prize recipient Bishop Belo, in which security personnel suffered injuries and an outofuniform police officer was killed, an early 1997 campaign of harassment and detention by the security forces raised tension to a high level. During the May election period and its aftermath, East Timor's low-level insurgency intensified with guerrilla attacks that inflicted the highest number of deaths in years on security personnel and civilians. These attacks were followed by the capture and death of a prominent guerrilla commander and widespread detentions, accompanied by reports of killings, disappearances, torture, and excessive use of force on the part of the authorities. These developments exacerbated longstanding resentments on the part of the indigenous population. In November at least five students were injured when a large number of security force personnel entered the University of East Timor campus firing their weapons. One political prisoner was released when he became eligible for parole. No significant progress was made in accounting for persons missing following the 1991 Dili incident or others who disappeared in recent years. Troop levels remained unjustifiably high. The Government granted limited access to the area to foreign journalists but banned travel by all foreign human rights NGO's except the ICRC. The Dili branch of the National Commission on Human Rights, which opened in 1996, remained ineffective, but increased efforts by the Catholic Church and others, along with a better understanding of international humanitarian norms among senior military officers, improved the overall quality of human rights monitoring in East Timor. There were no reports of military personnel who committed abuses in East Timor being punished. Seeking asylum or publicity for their cause, young East Timorese mounted further intrusions into various embassies in Jakarta.

In Irian Jaya, resentment among indigenous groups against government and private companies' policies

that they viewed as heavyhanded and arbitrary remained. Real and perceived discrimination against native Irianese persisted. A clash between indigenous people and security forces occurred in the Timika-Tembagapura area, the location of a foreign mining company, and resulted in several deaths. The company began moving forward on its plan to distribute a percentage of its profits to indigenous groups in the area as part of a regional development effort, but suspended disbursements for new projects under this initiative in August because of disputes over how the funds should be allocated. The Government's closure of certain areas of the central highlands continued during 1997, due to the military's special operations against an indigenous separatist group that had taken and executed hostages in 1996. There were reports that in the restricted areas the military had forced villagers to perform uncompensated labor, that huts had been burned in one village, and that in late 1996 there were instances of beatings and other abuse. The military denied such reports and blamed abuse on the separatist group.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Historically, politically related extrajudicial killings have occurred most frequently in areas where separatist movements were active, such as East Timor, Aceh, and Irian Jaya. Security forces continued to employ harsh measures against separatist movements in all three areas. There were also numerous instances of reported extrajudicial killings by security forces in cases involving alleged common criminal activity.

Credible sources confirmed several deaths in detention in East Timor during the year. In June an individual known as "Januario" was detained in Baucau, severely beaten, and died while being transported to Dili. Human rights monitors believed that a number of other killings by security forces of civilians may have occurred, especially in more isolated areas, but these were impossible to confirm. There were also credible reports that detainees in East Timor were shot to death while allegedly attempting to escape.

There were credible reports of deaths in, or related to, detention in other parts of the country as well. In March Teguh Sunarto (Atok) died in East Java not long after his release from police detention. He and two others were detained on March 17 by police because they were not in possession of identity cards. Two police officers reportedly subjected all three detainees to severe mistreatment, including punching, kicking, and cigarette burns. In addition, the police reportedly ordered other prisoners to beat Sunarto and the other two detainees. The two police officers involved were detained. In April a farmer in central Lampung, Sukirno, died in police custody. According to a credible report, 10 police and forestry service officers took him from his home on the night of April 14, accusing him of possessing a homemade gun and poaching from a protected forest. Two days later Sukirno's family was informed that he committed suicide while in police custody. However, numerous wounds and bruises were reportedly found on Sukirno's body.

Security forces shot and killed two Irianese in Timika on August 22 in an altercation in which the Irianese reportedly pelted the security forces with arrows and rocks, injuring at least two. The security forces claimed that they used rubber bullets. Some sources said that the security forces acted in self defense, while others said that the security forces fired first. The incident was sparked by the earlier unexplained deaths of two Irianese on the property of a foreign mining concession near a military checkpoint.

The police often employed deadly force in apprehending suspects or coping with alleged criminals, many of whom were unarmed. In response to protests that the methods used were unjustifiably harsh and amounted to execution without trial, police generally claimed that the suspects were fleeing, resisting arrest, or threatening the police.

Complete statistics about the number of these cases have not been released. However, press reports, including statements of police officials, show a pattern of increased lethal shootings by the police of criminal suspects, many of whom were unarmed. At least seven crime suspects were reportedly shot and killed by police in Jakarta in January, and the number reportedly climbed to 32 by April. It was reported that 28 had been similarly shot by the police in Surabaya during the same time period. In May a Jakarta police spokesman announced that 63 shootings by police had occurred between January and April; approximately 85 percent were fatal. The trend of police shootings of suspected criminals continued in the following months, with usually reliable press reports noting about 90 such deaths in Jakarta during the year.

In the past, higher authorities rarely punished the military or police for using excessive force. There were some indications that this situation was improving, although the action taken by the authorities usually was not commensurate with the gravity of the abuses. A military tribunal on July 23 sentenced the former chief of the Bogor detective unit to 9 months in prison. The detective was involved in the torture of a suspect, Tjetje Tadjudin, who died in police custody in October 1996. The court heard testimony that Tjetje had been subjected to electric shocks and beatings during police interrogation. The police detective and two assistants were charged with mistreating Tjetje and thereby causing his death and misuse of authority. The prosecutor requested a 17-month sentence for these crimes, but the detective was sentenced to 9 months and 10 days because he was found guilty only of "misuse of authority." Nobody has yet been held responsible for Tjetje's death and the convicted police detective was not removed from the police force pending appeal.

Five cases of alleged human rights violations in Irian Jaya involving the death of Irianese civilians, cited in a September 1995 report by the National Human Rights Commission, have languished, and the Commission has requested followup action.

In September police announced a "temporary postponement" in the investigation into the 1993 murder of labor activist Marsinah. Human rights activists interpreted this as an effort to close the investigation, and have called for its revival.

The military suffered its highest number of fatal casualties in recent years in East Timor, most in a wave of guerrilla attacks during the May election period and its aftermath. Eighteen security personnel were killed in a single attack near Baucau in May. In addition to numerous killings of soldiers and police by the guerrillas, they also killed civilian East Timorese suspected of working for military intelligence and some other civilians. A school teacher and members of his family were killed by guerrillas during the pre-election period. A local government official in East Timor, who was also chief of the local paramilitary "gada paksi" group, and four other civilians were killed in April when their car was attacked near Viqueque, presumably by guerrillas.

The security situation in Aceh has improved since the early 1990's campaign against the Acehese separatist movement. Although Aceh Merdeka was believed to have been largely eliminated as a viable force, Aceh is still officially listed as one of Indonesia's three "troubled areas" (along with East Timor and Irian Jaya). Because the area had been relatively peaceful for several years, there was discussion in January of declaring Aceh secure and removing the classification of troubled area as a reflection of confidence in the security situation. The discussion was suspended after military operations netted weapons caches, allegedly belonging to Aceh Merdeka, in February and March, following a violent

bank robbery during which three bank employees were shot and killed by the criminals.

b. Disappearance

Reliable sources in East Timor reported numerous disappearances, especially in more isolated areas.

The Government made little progress in resolving the 1996 "July 27 incident." The incident involved the Government-backed violent takeover of Indonesian Democratic Party (PDI) headquarters, which triggered serious rioting in Jakarta. The Government moved slowly in responding to the Human Rights Commission's October 1996 report on this incident, which listed 23 missing, 149 injured, and 5 dead, one of whom had been shot (see Section 4). In September the authorities reportedly acknowledged that the case had not been closed and agreed that a search would be conducted for the 16 people that the Commission reported were still missing, but little additional progress had been made by year's end.

There were no significant efforts by the Government to account for the missing and dead from the November 12, 1991 military shooting of civilians in Dili. No additional cases were resolved during the year. Knowledgeable observers continued to believe that most of the missing are dead and that members of the armed forces know where their bodies are located.

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

The Criminal Code makes it a crime punishable by up to 4 years in prison for any official to use violence or force to elicit a confession. In practice, however, legal protections are both inadequate and widely ignored, and security forces continued to employ torture and other forms of mistreatment, particularly in regions where there were active security concerns, such as Irian Jaya and East Timor. Police often resort to physical abuse, even in minor incidents.

In East Timor, military units regularly detain civilians for interrogation; most are held in extralegal military detention centers, often with no notification of relatives, mistreated for several days, and then released. Family members and human rights monitoring organizations encounter serious difficulties in identifying and visiting detainees held in these military facilities. Many credible sources agreed that persons detained by the police in East Timor were routinely beaten while in the process of being detained. All 32 people detained following a demonstration at the Makhota Hotel in Dili in March suffered beatings at the hands of the police, according to credible sources.

Four residents of Lavateri village near Baucau, East Timor detained on April 4 by an intelligence team, were reportedly beaten with rifle butts, with one individual suffering a broken rib and another having a cross carved into the palm of her hand. Six East Timorese detained by the Joint Intelligence Unit (SJI) in Liquica on February 26 were reportedly tortured with electric shocks and immersion in ice water. Five East Timorese civilians detained by security forces near Liquica on April 30 were reportedly beaten with rifle butts and suffered electric shocks.

During the military operation and search for the criminals that followed, at least two suspects, alleged by the military to be from Aceh Merdeka, were shot to death by the military during raids. A military source claimed that the victims were armed. During a roundup of suspected Aceh Merdeka separatists, an unknown number of suspects were arrested during February and March. There are credible reports that a small number of Aceh Merdeka members remain in Aceh, and maintain some sympathy among the local population, but they are not seen as posing an active security threat. There are allegations of criminal and abusive behavior by military personnel in regions of Aceh that were formerly areas where Aceh Merdeka separatists operated.

There were instances where security forces responded with brutality to peaceful demonstrations or disputes with citizens, although they generally refrained from using force to stop the prohibited, massive street rallies that dominated the election campaign. On April 2, security forces violently broke up a peaceful demonstration by approximately 200 supporters of Megawati Sukarnoputri in Denpasar, Bali. The security forces used rattan canes, and dozens among the group suffered minor injuries. In Yogyakarta, security forces reportedly beat some student marchers commemorating Human Rights Day and broke up their march. In southeast Sulawesi, police reportedly showed restraint in responding to student riots provoked by a police assault on students during a raid on a dormitory.

On April 28, uniformed and plainclothes security forces beat with rattan canes and kicked a small group of peaceful demonstrators outside the central Jakarta District Court following the sentencing of People's Democratic Party (PRD) activists, injuring two demonstrators. On June 23, security forces armed with bayonets and clubs entered the Indonesian Christian University (UKI) campus in Jakarta and attacked a group of students. At least five of the students were injured and three were hospitalized with serious head wounds. The security forces were retaliating after a soldier was injured in an altercation with students. On September 1, according to reliable reports, 27 students and local residents in Banda Aceh were injured, some seriously, when three truckloads of police officers attacked a group of students after a soccer match during which a dispute between a police officer and a student over a poster had arisen. Police allegedly beat students and bystanders on the soccer field and chased those who ran away into homes and beat them.

The Government's handling of the wave of major riots that hit Indonesia received a mixed response. Security forces did not, in most cases, use lethal force in responding to these riots and showed relative restraint. In many cases, there was public criticism that security forces did not act in sufficient time or with sufficient force to protect citizens and property from the largescale destruction that occurred. The rioting resulted from a combination of economic, communal, ethnic, religious, and political factors. It began in 1996, continued into 1997, abated after the May general election, and erupted again in Ujung Pandang, South Sulawesi in September.

On January 30, security forces restored order in Rengasdengklok, West Java without resort to live ammunition fire or brutal treatment of civilians, though not before mobs had attacked shops and religious institutions. The most deadly riot occurred in Banjarmasin, South Kalimantan on May 23 on the last day of the election campaign. At least 123 people died in a fire caused by the riot and ensuing looting of a department store. The National Commission on Human Rights investigated, and concluded that there was no evidence of the use of live ammunition to subdue the rioters. The Commission also found that some of the suspected rioters were beaten after their arrest, and recommended measures to ensure that future riot control not be excessively violent.

In November following an apparent altercation between youths and intelligence personnel near the University of East Timor, large numbers of security force personnel entered the university campus, discharging their weapons and beating students. At least five students were injured and university facilities were severely damaged. Authorities said that security forces had used only rubber bullets but several of the injured students were reportedly shot, and two suffered bayonet wounds, according to independent human rights organizations. One injured student was removed from an ICRC vehicle, beaten with rifle butts by police, and then taken to a military hospital. The ICRC was permitted to visit the wounded students. A number of students were also reportedly detained following the incident.

There were reports that the security forces beat and abused villagers in the central highlands of Irian Jaya; the military denied committing such abuses (see Section 2.d.).

The Government continued to maintain an unjustifiably high military presence in East Timor, totaling

more than 16,000 personnel. The Government, as it does elsewhere, also relied on bands of youths, organized and directed by the military, to intimidate and harass its opponents. Such a civilian paramilitary group, known as the gada paksi, was frequently involved in nighttime raids in Dili neighborhoods in the early part of the year and was widely blamed for provoking serious disturbances in Viqueque in February. Gada paksi activity abated in the latter half of the year.

One case of alleged rape of East Timorese women by military personnel gained public attention as human rights lawyers tried to bring the case to trial. Legal action also is being pursued in the case of an East Timorese woman allegedly the victim of repeated rapes by military personnel in November 1996 while in military custody. The woman reported the rapes to human rights monitors, and wrote a letter to the local military command unit, which forwarded it to the National Commission on Human Rights. At year's end, it was not clear whether lawyers would succeed in getting the case tried in either military or civil court.

Human rights organizations report that rape by military personnel is a serious problem, and that soldiers are rarely held accountable for these crimes.

The four police officers who mistreated religious teachers in Tasikmalaya, West Java, in a 1996 event which sparked a major riot there, were found guilty by a military tribunal and given sentences ranging from 22 to 28 months.

Prison conditions are harsh with violence among prisoners and mistreatment and extortion of inmates by guards common. The incidence of mistreatment drops sharply once a prisoner has been transferred from police or military intelligence (BIA) custody into the civilian prison system or into the custody of the Attorney General. Political prisoners were sometimes mixed with the general prison population. In the Cipinang and Salemba prisons in Jakarta some political prisoners were segregated.

The ICRC was denied access to political prisoners until July, except in East Timor where visits were generally allowed. Special arrangements for visiting dignitaries to visit some prominent political prisoners were sometimes made. Some nonpolitical prisoners also have been visited by human rights monitors, although this appears to be on a case-to-case basis.

d. Arbitrary Arrest, Detention, or Exile

The Criminal Procedures Code contains provisions against arbitrary arrest and detention, but it lacks adequate enforcement mechanisms and authorities routinely violate it. The Code specifies that prisoners have the right to notify their families and that warrants must be produced during an arrest except under specified conditions, such as when a suspect is caught in the act of committing a crime. The law also requires that families of detainees be notified promptly. The law authorizes investigators to issue warrants to assist in their investigations or if sufficient evidence exists that a crime has been committed. However, authorities sometimes made arrests without warrants.

The law presumes defendants innocent and permits bail. They or their families may also challenge the legality of their arrest and detention in a pretrial hearing and may sue for compensation if wrongfully detained. However, it is virtually impossible for detainees to invoke this procedure, or to receive compensation, after being released without charge. In both military and civilian courts, appeals based on claims of improper arrest and detention are rarely, if ever, accepted. The Criminal Procedures Code also contains specific limits on periods of pretrial detention and specifies when the courts must approve extensions, usually after 60 days. In addition, suspects charged under the 1963 Antisubversion Law are subject to special procedures outside the Code. These give the Attorney General the authority to hold a

suspect for up to 1 year before trial. He may renew this 1 year period without limit.

The authorities routinely approve extensions of periods of detention. In areas where active guerrilla movements exist, such as East Timor and Irian Jaya, there are many instances of people being detained without warrants, charges, or court proceedings. This is also true in Aceh. Bail is rarely granted, especially in political cases. Over 100 people were detained following the discovery of weapons caches in various regions of Aceh, beginning in February. They allegedly were held incommunicado at military camps. The authorities frequently prevent access to defense counsel while suspects are being investigated and make it difficult or impossible for detainees to get legal assistance from voluntary legal defense organizations. Special laws on corruption, economic crimes, and narcotics do not come under the Criminal Code's protections.

The Agency for Coordination of Assistance for the Consolidation of National Security (BAKORSTANAS) operates outside the legal code and has wide discretion to detain and interrogate persons thought to threaten national security. Despite the existence of this agency, the military began discussing publicly in 1996 the need for a new internal security act to give the Government greater power to suppress dissent. Although there was further public discussion of this proposal during 1997, it had not been sent to Parliament.

Security forces broke up demonstrations and meetings and detained participants (see Sections 1.c. and 2.b.).

There are no reliable data on the number of arbitrary arrests or detentions without trial, particularly in East Timor, Irian Jaya, and Aceh. In East Timor, partially as a result of increased demonstrations in late 1996 and in 1997, as well as increased guerrilla activity, the number of detentions during 1997 was higher than in previous years.

Arbitrary detentions in East Timor were a particular problem following increased guerrilla attacks in Baucau and Los Palos. According to credible sources, numerous people not involved in the separatist movement were detained and mistreated as security forces swept through local neighborhoods in search of the perpetrators of various attacks. In the early part of the year the civilian paramilitary gada paksi group also frequently detained and beat civilians.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution stipulates the independence of the judiciary, but in practice the judiciary is subordinated to the executive and the military. Court challenges in various jurisdictions to the Government's transparent manipulation of the PDI leadership structure in 1996, with a few exceptions, continued to be dismissed in 1997. Judges are civil servants employed by the executive branch, which controls their assignments, pay, and promotion. Low salaries encourage widespread corruption. Judges are subject to considerable pressure from governmental authorities that often determines the outcome of a case.

A quadripartite judiciary of general, religious, military, and administrative courts exists below the Supreme Court. The right of appeal from district court to high court to Supreme Court exists in all four systems. The Supreme Court does not consider factual aspects of a case, only the lower courts' application of law. The Supreme Court theoretically stands coequal with the executive and legislative branches, but it does not have the right of judicial review over laws passed by Parliament. The Supreme

Court has not yet exercised its authority (held since 1985) to review ministerial decrees and regulations. In 1993 Chief Justice Purwoto Gandasubrata laid out procedures for limited judicial review.

A panel of judges conducts trials at the district court level, poses questions, hears evidence, decides guilt or innocence, and assesses punishment. Initial judgments are rarely reversed in the appeals process, although sentences can be increased or reduced. Both the defense and the prosecution may appeal.

Defendants have the right to confront witnesses and to produce witnesses in their defense. An exception is allowed in cases in which distance or expense is deemed excessive for transporting witnesses to court. In such cases, sworn affidavits may be introduced. However, the Criminal Procedures Code does not provide for witnesses' immunity or for defense power of subpoena. As a result, witnesses are generally unwilling to testify against the authorities. The courts commonly allow forced confessions and limit the presentation of defense evidence. In a trial in March a witness stated in open court that he had been tortured with electric shock in the course of interrogation in 1996 by military intelligence (BIA). No investigation of his charge, given under oath, was launched. Defendants do not have the right to remain silent and can be compelled to testify against themselves. The Criminal Procedures Code gives defendants the right to an attorney from the moment of their arrest, but not during the prearrest investigation period, which may involve prolonged detention. Persons summoned to appear as witnesses in investigations do not have the right to be assisted by lawyers even though information developed in the course of rendering testimony can subsequently become the basis of an investigation of the witness. The law requires that a lawyer be appointed in capital cases and those involving a prison sentence of 15 years or more. In cases involving potential sentences of 5 years or more, a lawyer must be appointed if the defendant desires an attorney and is indigent. In theory, destitute defendants may obtain private legal help, such as that provided by the Indonesian Legal Aid Foundation. In practice, however, defendants are often persuaded not to hire an attorney, or access to an attorney of their choice is impeded.

In many cases procedural protections, including those against coerced confessions, particularly those coerced by the police and military intelligence (BIA), are inadequate to ensure a fair trial. Corruption is a common feature of the legal system and the payment of bribes can influence prosecution, conviction, and sentencing in civil and criminal cases.

There were few signs of judicial independence. The court continued to be used to take action against political activists and government critics. The Government vigorously pursued the numerous subversion cases started at the end of 1996, and initiated or threatened new cases. Many independent observers interpreted this as an effort to chill dissent in advance of the May general election. The Government prosecuted and the court convicted 14 young activists belonging to or associated with the People's Democratic Party (PRD) under the Antisubversion Law in April and June, handing down the harshest sentences for peaceful political dissent in recent years (see Section 2.a.). The Government also tried independent labor leader Muchtar Pakpahan, and former parliamentarian Sri Bintang Pamungkas under this law. Four youths charged with inciting the rioting that took place in Tasikmalaya, West Java in December 1996 were brought to trial in 1997 on charges of subversion. The trials concluded in November and December, resulting in sentences of 22 months, 24 months, 8 years, and 10 years in prison. Megawati Sukarnoputri filed suit in courts throughout the country to challenge the legality of the June 1996 government-supported Medan congress that ousted her from the PDI leadership. Most courts refused to hear the case. However, several courts accepted the case and ruled in her favor.

The Antisubversion Law, which carries a maximum penalty of death (which has not been invoked in recent years), makes it a crime to engage in acts that could distort, undermine, or deviate from the state ideology or broad outlines of state policy, or which could disseminate feelings of hostility or arouse hostility, disturbances, or anxiety among the population. The excessively vague language of this law makes it possible to prosecute people merely for peaceful expression of views contrary to those of the

Government.

Many prisoners are serving sentences for subversion, including members of the banned Communist Party of Indonesia (PKI), Muslim militants, and those convicted of subversion in Irian Jaya, Aceh, and East Timor. More are serving sentences under the Hate-Sowing or Sedition laws. Some of these persons advocated or employed violence, but others are political prisoners who were convicted for attempting to exercise such universally recognized human rights as freedom of speech or association, or who were convicted in unfair trials. Juvencio de Jesus Martins, an East Timorese prisoner, was released under normal remission procedures on Indonesian Independence Day, August 17.

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

Judicial warrants for searches are required except for cases involving suspected subversion, economic crimes, and corruption. However, security agencies regularly made forced or surreptitious entries. Security forces also engaged in surveillance of persons and residences and selective monitoring of local and international telephone calls without legal restraint.

Government security officials monitor the movements and activities of former members of the PKI and its front organizations, especially persons the Government believes were involved in the abortive 1965 coup. These persons and their relatives sometimes are subjected to surveillance, required check-ins, periodic indoctrination, and restrictions on travel outside their city of residence. One of the methods the Government has used to monitor the activities of these people has been to require that the initials "E.T." ("Ex-Tapol" or political prisoner) be stamped in their identification cards. This allows the Government and prospective employers to identify former PKI members, and subjects them to official and unofficial discrimination. Although the requirement that E.T. be stamped in identification cards has been officially ended, in practice it is still used in many cases.

After several years during which the Government significantly reduced its transmigration program, the program was revived during the year with private corporate support. The program moves large numbers of people from overpopulated islands to more isolated and less developed ones. It is also used to resettle local populations within East Timor and Irian Jaya. Human rights monitors say that the program violates the rights of indigenous people and dupes some transmigrants into leaving their home villages without any means of return. Conditions at some sites are life threatening, with inadequate measures to protect the transmigrant population against diseases endemic to the transmigration sites. Transmigrants and migrants outside the Government transmigration program received indirect government support in the form of developmental assistance programs and contracts with the armed forces (ABRI) or local government officials. This practice, particularly in East Timor, Irian Jaya and Kalimantan, led to resentment among indigenous populations, which believed that their rights were infringed upon (see Section 5).

There were reports that security forces occupied villages in the central highlands of Irian Jaya and destroyed homes and crops. The military denied committing abuses (see Section 2.d.).

The Government prohibits the import of Chinese-language publications (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the 1945 Constitution and the 1982 Press Law provide for freedom of the press, the

Government continued to restrict press freedom in practice. The Government uses the issuance of publishing licenses under a 1984 ministerial decree to control the press. Other means of control include regulation of the amount of advertising permitted and of the number of pages allowed in newspapers. In sensitive areas, the authorities continued to provide guidance to local journalists and editors on what they should print, although there were many cases in which such guidance was ignored. Self-censorship by the press continued, especially on subjects known to be sensitive to the Government. At year's end, criticism of the Government grew stronger and the press carried it more openly.

Coverage of a number of sensitive topics, such as corruption, the role of the first family in business, and lack of government fiscal accountability, did occur, particularly in the English-language press. Major Indonesian-language newspapers were more cautious. The broadcast media, which reaches a far larger proportion of the population than does the print media, rarely if ever deals with sensitive topics.

Media coverage of the January-February ethnic fighting between Christian Dayak and Muslim Madurese in West Kalimantan was at times extremely restricted. The military held a closed meeting with senior editors early in February in the midst of the ethnic strife. Few local newspaper reports about the situation in West Kalimantan appeared until the fighting was well underway. Other instances of social unrest, such as in Rengasdengklok, West Java on January 30, and instances related to the election campaign, received more media coverage.

Throughout most of the year, limited debate on political and social issues was permitted in the press and other public forums, but the Government continued to impose restrictions on free speech, especially in cases involving direct opposition to the existing system. At year's end, public criticism of the Government grew stronger and the press carried it more openly. In the aftermath of the July 27, 1996 incident, and in the period prior to the May general election, the Government demonstrated that it would not tolerate challenges to the fundamental underpinnings of the political system, in particular by arresting, placing on trial, and harshly sentencing some of its critics.

Fourteen activists belonging to, or associated with, the small, opposition People's Democratic Party (PRD) were convicted under the controversial 1963 Antisubversion Law. On April 28, the day after the general election campaign began, courts in Jakarta convicted nine of the activists. Although the young activists originally were arrested in August 1996 amidst government accusations of masterminding the "July 27" incident, the convictions rested instead on writings, speeches, and organizational activities, which were deemed subversive (see Section 1.e.).

The PRD's leader, Budiman Sudjatmiko, received a 13-year sentence, which was increased to 15 years on appeal. This was one of the most severe sentences imposed in a subversion case in recent years. His associates received sentences ranging from 12 years to 18 months. Two more PRD activists were convicted in Jakarta on June 16, and given 4- and 5-year sentences. Other PRD-related cases included the convictions in Surabaya of Dita Indah Sari and two others for subversion on April 22 and April 23 based on their political views and organizational activities, which included calling for an end to the military doctrine of dual function and organizing labor strikes.

Independent labor leader Muchtar Pakpahan's subversion trial, which began on December 12, 1996, continued in the early part of the year, and was interrupted due to his serious health problems. It resumed in September. As with the young PRD activists, the subversion charges rested on his criticism of the Government, rather than his purported role in the July 27, 1996 violence, as had originally been publicly claimed by the Government (see Section 6.a.).

The subversion trial of Sri Bintang Pamungkas, the former United Development Party (PPP) legislator,

began on December 22. According to the prosecution, he was charged under the 1963 Antisubversion Law because he formed the Indonesian Democratic Union Party (PUDI), issued a PUDI manifesto, named himself a candidate for president, and sent out holiday (Idul Fitri) cards in January carrying the PUDI's agenda. The PUDI's program included rejection of the 1997 election, rejection of another Soeharto presidential candidacy, and a call to prepare for the post-Soeharto era. Bintang was detained on March 6, along with the PUDI's deputy chairman Julius Usman and secretary general Saleh Abdullah, by the Attorney General's Office in accordance with the Antisubversion Law. His colleagues were released from detention on April 3.

Aberson Marle Sihalo, a parliamentarian from the Indonesian Democratic Party (PDI) and a supporter of ousted PDI leader Megawati Sukarnoputri, was convicted on July 21 for allegedly insulting the President, armed forces, and other public institutions. He received a 9-month prison sentence. The basis of his conviction was a speech he made in July 1996 at the "free speech forum" in front of the PDI headquarters, which had been videotaped by the Government. He became the first parliamentarian in recent years to face trial and be convicted.

The Government took similar harsh action against some individuals who published magazines or books that challenged the system. Andi Syaputra was sentenced on April 7 to 30 months in prison for printing and distributing printed material allegedly defaming President Soeharto. On March 4, the Government banned a 22-page pamphlet written by Soebadio Sastrosatomo, one of the leaders of the long-outlawed Indonesian Socialist Party (PSI). The Government then brought Soebadio's private secretary to trial August 5 on charges of having "insulted" the President. His alleged crime was that he assisted in the production of the book. He was released from detention in September while his trial was still in progress.

An activist from the NGO Center for information and Action Network for Democratic Reform, Tri Agus Siswomihardjo, was released from prison March 10 after serving 24 months for disseminating materials allegedly defaming the President. Eko Mariyadi and Achmad Taufik, of the unrecognized Independent Journalists' Association (AJI), were released from prison on July 18. They had served 2 years and 4 months of their three-year sentences for allegedly slandering the President and spreading hatred against the Government. They were convicted based on articles they wrote for the underground journal *Independen*, and for publishing *Independen* without a government license.

The killing of a journalist who published critical reports in 1996, and at least one other similar case in 1997, attracted domestic and international attention. A trial was carried out in the 1996 killing in Yogyakarta of a journalist, Fuad Muhammad Syafrudin (Udin), who worked for the Yogyakarta daily newspaper *Bernas*. He had been attacked in his home, possibly in connection with articles he had written that were critical of the local government's actions in land cases. There was considerable controversy as to whether authorities had arrested the right suspect, as the victim's wife, an eyewitness to the crime, testified in court on September 2 that the defendant was not the one who killed her husband. The accused claimed that his confession was coerced by the authorities. Prosecutors finally dropped the case, and the defendant was released on November 27.

On July 26, a journalist for the Jakarta weekly magazine *Sinar Pagi*, Naimullah, was found dead in his car outside Pontianak, West Kalimantan. He reportedly had injuries to his neck, head, temples, chest, and wrists and four individuals were seen near his car. He had published reports on timber smuggling and theft that allegedly involved local officials. The Indonesian Journalists' Association called for an impartial police investigation. The police in West Kalimantan announced in August that the case was still being investigated. By year's end, it had not been resolved.

The electronic media remained more cautious in their coverage of the Government than the print media.

The Government operates a nationwide television network with 12 regional stations. Private commercial television companies, most with ownership by, or management ties to, the President's family, continued to expand. All are required to broadcast government-produced news, but many also produce public affairs style programming with news content.

Over 600 private radio broadcasting companies exist in addition to the Government's national radio network. They all were required to belong to the government-sponsored Association of Private Radio Stations (PRSSNI) to receive a broadcasting license. The government radio station produces the program "National News," which is the only news permitted by law to be broadcast in Indonesia. It is relayed throughout the country by private stations and 53 regional affiliates of the government station. By law, the private radio stations may produce only "light" news, such as human interest stories, and may not discuss politics. In practice, however, many broadcast interviews and foreign news as well. Moreover, "talk radio" call-in programs increasingly touch on political and socio-economic issues.

Foreign television and radio broadcasts were readily accessible. Satellite dishes have proliferated throughout the country, and there was access to the Internet. The Government made no effort to restrict access to this programming, and has proclaimed an "open skies" policy. Foreign periodicals are widely available. Distribution is sometimes delayed by a day or more by authorities, although this is rare. The Government restricts the import of Chinese-language publications (see Section 5).

The Government closely regulates access to Indonesia, particularly to certain areas of the country, by visiting and resident foreign correspondents. It occasionally reminds the latter of its prerogative to deny requests for visa extensions. Special permission is necessary for foreign journalists to travel to East Timor, Aceh, and Irian Jaya. With a few exceptions, press access to East Timor was restricted. A number of journalists repeatedly requested permission to go to East Timor without success. The local press in Aceh is tightly controlled.

In November a foreign NGO worker was detained in Dili for participating in and photographing a peaceful, candlelight vigil. Authorities accused her of acting as a journalist without the proper visa. She was expelled to Bali, following 10 hours of questioning by authorities.

The Government requires a permit for the importation of foreign publications and videotapes, which must be reviewed by government censors. Importers sometimes avoided foreign materials critical of the Government or dealing with topics considered sensitive, such as human rights. There is a significant amount of materials bypassing customs and censorship procedures.

Publishers sometimes refused to accept manuscripts dealing with controversial issues. Most books by the prominent novelist and former political prisoner, Pramoedya Ananta Toer, are banned, though some were in circulation. The Government in March banned a pamphlet which was written by a former leader of the long-banned Indonesian Socialist Party (PSI), Soebadio Sastrosatomo.

In December, police banned the performance of a play in Bandung, West Java based on the life of labor activist Marsinah, who was murdered in 1993, the play had been closed down earlier in Surabaya East Java on November 26, and was stopped in other cities as well. It was performed in Jakarta and some other venues.

While the law provides for academic freedom, constraints exist on the activities of scholars. Political activity and discussions at universities, while no longer formally banned, remained constrained. Some scholars displayed caution in producing or including in lectures and class discussions materials that might provoke government displeasure.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government places significant controls on the exercise of this right. The Government promulgated regulations in December 1995 that eliminated the permit requirements for some types of public meetings. A requirement to notify the police remained for most others, and in practice numerous public meetings continued to be prevented or broken up.

In an effort to control NGO's, unrecognized political groups, and some student organizations in the aftermath of the July 27, 1996 incident and in the period prior to the May general election and afterwards, the Government prevented or broke up numerous meetings, seminars, and other peaceful demonstrations, and public gatherings, although it allowed others to occur. In November 1996, high-level government officials made public threats to take legal action against selected NGO's deemed to be "trouble-making." Several of those groups, specifically the People's Democratic Party (PRD) and its affiliates were banned by the Government on September 29, and the authorities used close monitoring to intimidate other NGO's, which nonetheless continued to operate.

On March 13, the police in Jakarta broke up a seminar focused on the upcoming general election jointly sponsored by a student group, several NGO's, and the Independent Election Monitoring Committee. The groups said publicly that they had notified the police in accordance with relevant regulations, but the authorities still refused to allow the event to proceed.

On April 11, security forces in Medan, North Sumatra stopped an NGO seminar on advocacy training for agrarian affairs during its second day. The seminar had been scheduled to run for 5 days. In June a meeting bringing together NGO's in Banda Aceh was canceled by the authorities on the day it was to begin.

An evening discussion sponsored by student groups held the day before the anniversary of the 1996 "July 27 incident" was broken up and five students were interrogated.

On July 29, police in the Lampung province of Sumatra broke up a training session held by the unrecognized labor federation, the Indonesian Prosperity Trade Union (SBSI). The session was in its third day of a 10-day schedule when the police shut it down. Twenty-six SBSI members were arrested, and there were credible reports that some of them were beaten while in detention.

Although the Government refused to grant official recognition to the Independent Election Monitoring Committee, it allowed the KIPP to carry out limited, yet significant, monitoring activities during the campaign and election. The Government also permitted the KIPP to hold press conferences in Jakarta evaluating the election and to issue a public report with its findings, which outlined many flaws in the election.

However, there were also instances where the KIPP was subjected to serious restrictions. For example, on April 7, the police in South Sulawesi canceled a program organized by the local KIPP chapter designed to train volunteer election monitors even though the program organizers had notified the police. The KIPP was unable to function in Aceh, due to pressures against it. An April discussion there sponsored by the KIPP was canceled by the authorities.

Security forces detained 24 student demonstrators at Gadjah Mada University in Yogyakarta on April 1. The police accused the students of calling for an election boycott. On April 2, eight students were violently arrested during a second demonstration in which they called for the release of the first group.

All 32 were released on April 3. On March 11, three student activists were reportedly arrested in Jakarta because they were allegedly attempting to call for an election boycott by putting up posters and writing graffiti.

Security forces violently dispersed a peaceful gathering of supporters of Megawati Sukarnoputri in Bali in April, assaulted a group of demonstrators following the sentencing of PRD activists in April, and attacked a group of students at the Indonesian Christian University campus in Jakarta in June (see Section 1.c.). On September 19, security forces stopped a congress held by the SBSI in Jakarta. It was the first day of a planned 3-day schedule. Eight members of the congress's organizational committee, two Australian trade unionists, and two Dutch journalists were detained overnight. Security forces broke up a year-end celebration gathering at the SBSI headquarters on December 27. The security forces claimed that the SBSI had not obtained the necessary permit, and 27 people were detained. Musical instruments, recordings of labor songs, SBSI archives, banners, photos, and participants belongings were confiscated.

Security forces in Jakarta mobilized on July 27 to prevent supporters of Megawati Sukarnoputri from carrying out what was supposed to be a commemoration of the 1996 "July 27 incident" at the PDI's former headquarters. Several smaller groups were able to approach the headquarters where they peaceably conducted group prayers surrounded by security forces. Several thousand supporters of Megawati were permitted to rally on the street in front of the national Parliament on April 15. Several hundred police officers on the scene prevented access to parliament grounds, but took no action to stop the gathering.

An NGO-sponsored seminar on East Timor was held in Jakarta on September 12 without government interference. A public dialogue between the military and government and NGO's was held on September 8.

Father Romo Ignatius Sandyawan Sumardi and his brother were brought to trial in Bekasi, West Java in October. He was accused of harboring three political dissidents including People's Democratic Party (PRD) leader Budiman Sudjatmiko and two of his lieutenants during the manhunt for them that took place in August 1996. The authorities stated that they blocked Father Sandyawan from seeking needed medical treatment abroad because of the investigation launched in August 1996.

On December 10, there were a number of student demonstrations planned to mark Human Rights Day. The military blocked some but permitted others.

The Constitution provides for freedom of association; however, the Government places significant controls on the exercise of this right. The 1985 Social Organizations Law (ORMAS) requires the adherence of all organizations, including recognized religions and associations, to the official ideology of Pancasila. This provision, which limits political activity, is widely understood as designed to inhibit activities of groups seeking to engage in democratic political competition, make Indonesia an Islamic state, revive communism, or return the country to a situation of partisan ideological division. It empowers the Government to disband any organization it believes to be acting against Pancasila and requires prior government approval for any organization's acceptance of funds from foreign donors. Nevertheless, numerous organizations, including the independent labor organization, the SBSI, and the KIPP, were active without official recognition under this law.

c. Freedom of Religion

The Constitution provides for religious freedom for members of five accepted religions and belief in one

Supreme God. The Government recognizes Islam, Catholicism, Protestantism, Buddhism, and Hinduism, and permits the practice of the mystical, traditional beliefs of "Aliran Kepercayaan." Although the population is over 85 percent Muslim, the practice and teachings of the other recognized religions are generally respected, and the Government actively promotes mutual tolerance and harmony among them. However, some restrictions on certain types of religious activity, including unrecognized religions, exist.

Because the first tenet of Pancasila is belief in one Supreme God, atheism is forbidden. Although individuals are not compelled to practice any particular faith, all citizens must choose one of the five officially recognized religions. As this choice must be noted on official documents, such as the identification card, failure to identify a religion can make it impossible to obtain such documents. The legal requirement to adhere to Pancasila extends to all religious and secular organizations. The Government strongly opposes Muslim groups that advocate establishing an Islamic state or acknowledging only Islamic law. The Government banned some religions, including Jehovah's Witnesses, Baha'i, Confucianism and in some provinces the messianic Islamic sect Darul Arqam. The Government closely monitors Islamic sects considered in danger of deviating from orthodox tenets, and in the past has on occasion dissolved such groups.

High-level officials continued to make public statements and emphasize by example the importance of respect for religious diversity. Lower level officials, however, were frequently alleged to be reluctant to facilitate and protect the rights of religious minorities.

A 1969 regulation dictates that before a house of worship can be built, agreement must be obtained from local residents living near the site and a license must be obtained from the regional office of the Ministry of Religion. Some Christians claim that this regulation is being used to discriminate against them and to prevent them from building churches. Despite the problems, the building of churches continues.

The law allows conversion between faiths, and such conversions occur. Independent observers note that interfaith marriage between Muslims and non-Muslims have become increasingly difficult. People from religions outside the five accepted religions have difficulty having their marriage officially recognized. There was one prominent case of a Confucian couple that was prohibited from getting married.

The Government views proselytizing by recognized religions in areas heavily dominated by another recognized religion as potentially disruptive and discourages it. Foreign missionary activities are relatively unimpeded, although in East Timor, Irian Jaya, and occasionally elsewhere missionaries have experienced difficulties and delays in renewing residence permits, and visas allowing the entrance of new foreign clergy are difficult to obtain. Laws and decrees from the 1970's limit the number of years that foreign missionaries can spend in Indonesia, with some extensions granted in remote areas like Irian Jaya. Foreign missionary work is subject to the funding stipulations of the ORMAS law. Citizens practicing the recognized religions maintain active links with coreligionists inside and outside the country and travel abroad for religious gatherings.

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

Although in 1993 the Government drastically reduced the number of people barred either from entering or departing Indonesia from a publicly announced figure of 8,897 "blacklisted" people to a few hundred, such restrictions still exist. The Government also restricts movement by citizens and foreigners to and within parts of the country. In addition, it requires permits to seek work in a new location in certain areas, primarily to control further population movement to crowded cities. Special permits are required to visit certain parts of Irian Jaya. The authorities require former political detainees, including those

associated with the abortive 1965 coup, to give notice of their movements and to have official permission to change their place of residence (see Section 1.f.).

Authorities carried out operations to investigate citizens' identification cards (KTP), including stopping motorists and raiding entertainment sites. On July 15, in west Jakarta police reportedly checked the documents of 3,000 people and fined many for not having proper permission to be in Jakarta. Teguh Sunarto was detained during a similar operation in Surabaya for not having his identification card. He was mistreated and died after his release from detention (see Section 1.a.).

The Government blocked the overseas travel of some political activists, some of whom were seeking medical treatment. Immigration authorities at the airport in Jakarta on April 10 stopped human rights activist Father Romo Sandyawan Soemardi from leaving Indonesia to undergo eye surgery in Perth, Australia. He had been questioned in August 1996 in connection with the cases against the PRD. The Jakarta administrative court on January 28 upheld the Attorney General's decision to impose a 1-year travel ban on Sri Bintang Pamungkas on April 18, 1996. It was the second 1-year ban. The Government initially refused detained, independent labor leader Muchtar Pakpahan's request to receive overseas medical evaluation and treatment. In December the Government permitted a team of Canadian doctors to examine Pakpahan. Already serving a prison sentence stemming from a 1994 conviction, he was being tried for subversion. The trial had been interrupted due to Pakpahan's need for medical treatment, and it was at that point while he was still in the hospital that he had sought permission to obtain treatment overseas.

The Government's 1996 closure of certain areas of Irian Jaya's central highlands to nonresidents continued into 1997. The areas had been closed due to the military's special operations against the separatist Free Papua Organization (OPM), the group that carried out killings and kidnappings in 1996. Exceptions were made during the closure of these areas, including for some religious personnel. Information was difficult to obtain due to the restrictions. However, credible sources asserted that security forces were occupying villages in the highlands, exercising tight control over villagers' movements, and forcing them to perform uncompensated labor during the restriction period. There were credible reports that in late 1996 security forces had mistreated local residents in the operational area, including beatings and harsh interrogation, destruction of homes and crops, and sexual abuse, and that in January security forces burned huts in one village. According to reliable reports, the military carried out forced movements and harassment of villagers in late 1997, which exacerbated food shortages in some instances. The military denied that it was restricting villagers' movements or committing abuses, and asserted that the OPM was intimidating villagers.

In past years, the Government offered first asylum to over 125,000 Indochinese boat people. Indonesia's Galang Island camp was closed in 1996 as the last remaining asylum seekers were repatriated. There remain, however, some 14 persons awaiting a resettlement opportunity in another country. The Government has not formulated a policy regarding asylum seekers of other nationalities, but it has in practice respected the principle of not returning asylum seekers to the country from which they had fled. There were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens do not have the ability to change their government through democratic means. There has never been an electoral challenge to President Soeharto. The 1,000-member People's Consultative Assembly (MPR) is constitutionally the highest authority of the State. It meets every 5 years to elect the President and Vice President and to set the broad outlines of state policy. The MPR is effectively controlled by President Soeharto and his Government. Five hundred members of the MPR come from the National Parliament (DPR), 425 of whose members were elected in the May general election (up from 400

elected members in 1992). The remaining 75 members are military appointees. In 1993 the MPR elected Soeharto to his sixth uncontested 5-year term as President. Legally the President is constitutionally subordinate to the MPR, but actually he and a small group of associates exercise governmental authority.

Under a doctrine known as dual function, the military assumes a significant sociopolitical as well as a security role. Members of the military are allotted 75 unelected seats in the DPR, in partial compensation for not being permitted to vote. The military holds an unelected 20 percent of the seats in provincial and district parliaments, and occupies numerous key positions in the administration. The other 85 percent of national and 80 percent of local parliamentary seats are filled through elections held every 5 years. All adult citizens, except active duty members of the armed forces, convicted criminals serving prison sentences, and some 36,000 former members of the PKI, are eligible to vote. Voters choose by secret ballot between the three government-approved political organizations, which field candidate lists in each electoral district. Those lists must be screened by BAKORSTANAS, which determines whether candidates were involved in the abortive 1965 coup or pose other broadly defined security risks. Critics charge that these screenings are unconstitutional, since there is no way to appeal the results, and note that they can be used to eliminate critics of the Government from Parliament. Strict rules establish the length of political campaigns, access to electronic media, schedules for public appearances, and the political symbols that can be used.

The Government formally permits only three political organizations to exist and contest elections. The largest and most important of these is GOLKAR, a government-controlled organization of diverse functional groups. The President strongly influences the selection of the leaders of GOLKAR, of which he is the senior leader. GOLKAR maintains close institutional links with the armed forces and KORPRI, the association to which all civil servants automatically belong. Civil servants may join any of the political parties with official permission, but they are in practice compelled to support GOLKAR. Former members of the PKI and some other banned parties may not run for office or be active politically.

The other two small, legal, political organizations, the United Development Party (PPP) and the Indonesian Democratic Party (PDI), are not considered opposition parties, and, along with GOLKAR, are required by law to embrace the state ideology of Pancasila. These smaller parties are not permitted to maintain party offices below the district level, placing them at a disadvantage to the government-supported GOLKAR, which has offices at the district and lower administrative levels. Government authorities closely scrutinize and often guide the activities of the three political organizations. For example, many serving parliamentarians as well as potential new candidates from the PDI were not permitted to run in the May parliamentary election after the Government in June 1996 engineered the ouster of the popular leader of the PDI, Megawati Sukarnoputri. She had become the subject of public speculation as a possible candidate for president in 1998. Members of the DPR and the provincial assemblies may be recalled from office by party leaders. An outspoken DPR member from the ABRI faction, Major General Theo Syafei, was removed from the house prior to the May parliamentary election. Although members of the ABRI faction in the DPR can be replaced at any time at the behest of the commander in chief of the armed forces, and are thus not technically subject to recall, the timing of Syafei's dismissal was considered unusual. It occurred soon after he had publicly emphasized that voters had the right to void their ballots by marking the symbols for all three political parties.

The May parliamentary election, in line with the previous five elections held since 1971, denied citizens the right to change their own government democratically. The ruling GOLKAR party secured its largest electoral victory ever with more than 74 percent of the vote; the PPP received approximately 22 percent of the vote, and the PDI just over 3 percent. Government-ousted PDI leader Megawati Sukarnoputri and her supporters were not permitted to take part in the election, a factor that many independent observers

publicly concluded led to the drop in the PDI's vote share from the 17 percent level it obtained in the previous election.

Sporadic, yet significant, violence occurred during the 27-day campaign period that preceded the vote, including clashes between and among political contestants, between political contestants and security forces, and general rioting. Most of the hundreds of deaths during the campaign period happened as a result of accidents during the massive street rallies. According to government figures, 123 persons died in Banjarmasin, South Kalimantan on May 23, the last day of the campaign, during a fire that broke out in a department store amidst major rioting and looting. In addition, numerous injuries resulted from clashes before, and, in some places, after the election. Many observers concluded that it was the most violent campaign ever. The Government succeeded in restricting the content and structure of the campaign and election, perhaps even more so than in past years. However, despite new rules designed to stop the street rallies that had been prevalent in previous campaigns, and numerous high level public warnings to abide by these rules, large rallies were repeatedly carried out by GOLKAR, the PPP, and, to a far lesser extent, by the PDI.

In the midst of the campaign, the Government banned all materials supporting an embryonic alliance between supporters of Megawati Sukarnoputri and the United Development Party (PPP). In the period prior to the election, the President and other senior government officials through a series of blunt pronouncements strongly urged citizens to ignore the few, mostly indirect, calls that were made to boycott the election. The Government repeatedly made it known that such calls were illegal, through public statements and the arrests of those who advocated a boycott, including public figure such as Sri Bintang and students who were allegedly distributing leaflets calling for a boycott. A few student and church groups that also indirectly called for an election boycott were not affected.

The election and campaign were marred by numerous, credible charges of fraud and other violations, mostly committed by the Government and GOLKAR, although there were also some campaign violations by the PPP and the PDI. The reports of fraud and other violations included double voting by members of GOLKAR, government intimidation of PPP and PDI poll witnesses, and improper supervision of the vote counting. In a few districts in East Java, the complaints of large-scale vote fraud resulted in destructive rioting, forcing the authorities to carry out a revote because, according to officials, ballot boxes were destroyed. After the election was over, the Government claimed to have discovered that 64,000 votes had been miscounted, giving one more parliamentary seat to PDI.

The National Commission on Human Rights called on the Government, Parliament, election contestants, and public leaders to conduct an overall evaluation of the election. The Government's public discussion focused mostly on improving the techniques of campaigning rather than on the underlying factors that led to problems during the election. The Government said that it would investigate the reports of campaign violations forwarded by all three election contestants, but promised no results until 1998.

The Parliament (DPR) considers bills presented to it by government departments and agencies but does not draft laws on its own, although it has the constitutional authority to do so. During a 5-year term ending in October, the DPR considered and passed over 70 pieces of legislation, including one bill two times. In an unprecedented and possibly unconstitutional move, the President returned a broadcasting bill already approved by the Parliament for reconsideration and revision. The DPR does make technical, and occasionally substantive alterations to bills it reviews. There were also indications that the DPR was to a limited extent able to make substantive changes to bills that reflected the interests expressed by outside groups. This was particularly apparent with regard to the manpower bill (see Section 6). However, there was public criticism after reports that the Minister of Manpower used \$1.3 million from the government-mandated Workers Social Insurance Fund (JAMSOSTEK) to facilitate passage in Parliament of the manpower bill.

While the DPR remains clearly subordinate to the executive branch, it has become more active in scrutinizing government policy, and in exercising oversight of government budgetary expenditures and program implementation through hearings at which members of the Cabinet, military commanders, and other high officials are asked to testify. The DPR also has become increasingly a focal point of appeals and petitions from students, workers, displaced farmers, and others charging human rights abuses and airing other grievances. It rarely is the source of any relief to petitioners other than providing a channel through which their complaints can be aired.

While there are no legal restrictions on the role of women in politics, they are underrepresented in government. The May parliamentary election represented a step backwards for women in terms of representation in Parliament, with their percentage falling from 12 percent to 9 percent of seats. In the Cabinet, 2 of 41 ministers are women.

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

Government pressure on domestic human rights organizations and other NGO's that began after the July 27 1996 violence continued in the period prior to the May general election (see Section 2.a.).

NGO's faced government harassment, including police raids on their offices surveillance by police or military intelligence, interrogation at police stations, or cancellation of private meetings. Government officials, as in 1996, publicly threatened to take legal action against some NGO's.

The Government reiterated its rejection of a proposal by the United Nations Human Rights Commission to open an office in Jakarta that would have the capacity to monitor human rights developments. The Government had indicated a willingness to permit an office to open in Jakarta if its mission were restricted to technical operations, such as conducting seminars without any monitoring function.

The Government considers outside investigations or foreign-based criticism of alleged human rights violations to be interference in its internal affairs. It emphasizes its belief that linking foreign assistance or other sanctions related to its human rights observance constitute interference in its internal affairs and is therefore unacceptable. Although the Government did not articulate a clear public policy on whether it would invite or allow foreigners to monitor the May general election, two international groups did observe the election on a limited basis.

The ICRC continued to operate in East Timor. It also visited prisoners convicted of participation in the abortive 1965 coup, convicted Muslim extremists, and East Timorese and other political prisoners outside of East Timor. However, throughout the year it faced obstacles and unwillingness to allow visits, including continuing serious delays in visiting some recent or new detainees or prisoners charged with subversion and detained in Jakarta and elsewhere after the 1996 "July 27 incident." After an initial visit in August 1996, the ICRC was not permitted further visits to the PRD prisoners in Jakarta until the following July.

While receiving support for its work from the Government in principle, the ICRC periodically faced difficulty in implementing its humanitarian program in East Timor. Cooperation with local commanders improved following an ICRC seminar for military officers held in Jakarta. Participants in the seminar showed improved understanding and openness for the ICRC mission and frequently eased access to detainees in East Timor. While the ICRC was able to visit the vast majority of those known to have been detained in East Timor, problems continued in visiting detainees held by the military in Aceh and North Sumatra. The ICRC has not been able to obtain access to Aceh since March, when military operations

took place.

Travel to East Timor by foreign human rights NGO's other than the ICRC has not been approved. Domestic human rights organizations are able to visit, however. One foreign NGO worker was detained in East Timor in November, during which time she stated that she was not allowed to contact her embassy, when she participated in and photographed a candlelight vigil commemorating the 1991 Dili massacre. She was expelled to Bali following 10 hours of questioning.

The Government-appointed National Human Rights Commission, in its 4th year of operation, continued to be active in examining reported human rights violations and continued to show independence. Lacking enforcement powers, the commission attempts to work within the system, sending teams where necessary to inquire into possible human rights problems and employing persuasion, publicity, and moral authority to highlight abuses, make recommendations for legal and regulatory changes, and encourage corrective action.

The Government has tended to ignore some Commission findings or, in some instances, has moved lethargically in reaction to them. It was reported publicly that the Commission asked the authorities to be more responsive. In September 1995, the Commission identified six cases of ABRI abuse of indigenous people in Irian Jaya, involving a number of deaths; only one was ever brought to trial, and the Commission requested followup action in 1997. The Government made little progress in resolving the 1996 "July 27 incident." The Government moved slowly in response to the Human Rights Commission's October 1996 report on the incident which listed 23 persons missing, 149 injured, and 5 dead, 1 of whom had been shot. Two government ministers publicly declared the case closed in August and said that there should be no more public discussion of the incident. Supporters of ousted PDI leader Megawati Sukarnoputri had announced in June that 6 of the 23 missing persons had been found, and the Commission said on September 4 that the number of missing persons was down to 16. The Commission met with senior government officials in September who reportedly agreed that the case had not been solved and agreed to continue to search for the remaining 16 persons. No action was promised on the Commission's original recommendation that legal action be taken against those who took over PDI headquarters.

The Commission opened an East Timor office in June 1996, which was widely regarded as a positive step in the effort to address and resolve human rights abuses there. However, many observers also had doubts about the potential effectiveness of the office because of its location next to the local military headquarters, its reliance on government-provided staffing, and the fact that it could only receive complaints and send them back to Jakarta, but could not take action itself. The initial flow of citizens to the facility tended to comprise people who did not make complaints regarding the Government, the military, or local authorities, conveying the impression that the local population was reluctant to approach the facility. The office limited itself to dealing only with nonpolitical cases and therefore had made little impact with regard to the more serious human rights problems in East Timor. The Commission has been trying to address these problems, but by year's end the office remained ineffective.

The Government appointed the Commission's original chairman, who then appointed the other 24 commission members. The Commission fills vacancies in its ranks independently by internal election. A new chairman and four new members, replacing those who had died while in office, were elected in the fall of 1996. The Commission moved into its own permanent facilities in 1996, and has hired several professional staff to support its 25 members with their investigative and other substantive work.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution does not explicitly forbid discrimination based on gender, race, disability, language, or social status. However, it stipulates equal rights and obligations for all citizens, both native and naturalized. The 1993 Guidelines of State Policy (legal statutes adopted by the People's Consultative Assembly) explicitly states that women have the same rights, obligations, and opportunities as men. However, these guidelines from 1978, 1983, 1988, and 1993, also state that women's participation in the development process must not conflict with their role in improving family welfare and the education of the younger generation. Marriage law dictates that the man is the head of the family. The Constitution grants citizens the right to practice their individual religion and beliefs; however, the Government only recognizes five religions and imposes some restrictions on other religious activity.

Women

Violence against women remains poorly documented. However, the Government has acknowledged the problem of domestic violence in society, which has been aggravated by social changes brought about by rapid urbanization. Rape by a husband of a wife is not considered a crime under the law. Although women's groups are trying to change the law, they have not made significant progress.

Cultural norms dictate that problems between husband and wife are private matters, and violence against women in the home is rarely reported. While police could bring assault charges against a husband for beating his wife, due to social attitudes, they are unlikely to do so. Nonetheless, according to reliable sources, the police have become somewhat more responsive to domestic violence complaints.

Rape is a punishable offense. Men have been arrested and sentenced for rape and attempted rape although reliable statistics are unavailable. The maximum prison sentence for rape is 12 years, but observers say that sentences are usually much shorter. Mob violence against accused rapists is frequently reported. Women's rights activists believe that rape is seriously underreported due to the social stigma attached to the victim. Some legal experts report that if a woman does not go immediately to the hospital for a physical examination that produces physical evidence of rape, she can not bring charges. A witness is also required in order to bring charges, and only in rare cases is there a witness, according to legal experts. Some women reportedly fail to report rape to police because the police do not take their allegations seriously.

The Government provides some counseling for abused women, and several private organizations exist to assist women. Many of these organizations focus on reuniting the family rather than on providing protection to the women involved. Many women rely on the extended family system for assistance in cases of domestic violence. There are only a few women's crisis centers in Indonesia, including a drop-in center founded in Jakarta by the Government-sponsored National Women's Organization (KOWANI) in 1996 and a crisis center for women in Yogyakarta run by an NGO. A new crisis center for women, "Women's Partner," which opened in Jakarta in April, runs a 24-hour hot line and a temporary shelter for abused women. Training of counselors for another Jakarta crisis center, called "Speak," is underway.

Sexual harassment is not a crime under the law, only indecent behavior. Sexual harassment charges, however, can damage a civil service career. The current law reportedly covers physical abuse only, and requires two witnesses. Female job applicants and workers have complained of being sexually victimized by foremen and factory owners.

There are credible reports of trafficking in women and of temporary "contract marriages" with foreigners in certain areas, such as Kalimantan and Sumatra, though the extent of this practice is unclear. These marriages are not considered legal, and the children born from them are considered born out of wedlock. Prostitution is widespread. Official statistics from 1994 report that there were 70,684

prostitutes in Indonesia, 9,000 of whom were in Jakarta.

According to the Constitution, women are equal to and have the same rights, obligations, and opportunities as men. However, in practice women face some legal discrimination. Marriage law dictates that the man is the head of the family. Marriage law for Muslims, based on Islamic law, allows men to have up to four wives if the first wife is unable "to fulfill her tasks as a wife." Permission of the first wife is required, but reportedly most women cannot refuse. Civil servants and members of the armed forces who wish to marry a second woman must also have permission from their supervisors. To set an example, the President has forbidden cabinet officials and senior military officers to have second wives. In divorce cases women often bear a heavier evidentiary burden than men, especially in the Islamic-based family court system. Alimony is rarely received by divorced women, and there is no enforcement of alimony payment.

The 1958 Citizenship Law states that children's citizenship is based only on the citizenship of the father. Children of citizen mothers and foreign fathers are considered foreigners, and need visas to remain in Indonesia until the age of 18, when they can apply for citizenship. They are prohibited from attending Indonesian schools, and have to attend international schools, which are expensive. The case of one child, the 5-year-old son of a female citizen and a Japanese man, attracted media attention in 1996, after the child was ordered to leave the country following the divorce of his parents and the expiration of his residency visa. In 1997 the child returned with another visa, but because his mother could not afford to keep him in an international school, he eventually was sent to Japan to live with his father.

Foreign women married to citizens also face difficulties. Their children are citizens and thus are not allowed to attend international schools in Indonesia. These women are usually taxed as the foreign head of household but they do not have property, business, or inheritance rights. There has been much discussion about problems with the Citizenship Law, and NGO's and the Government appear to agree that the law needs to be revised.

Although some women enjoy a high degree of economic and social freedom and occupy important positions in both the public and private sectors, the majority do not enjoy such social and economic freedoms and are disproportionately represented at the lower end of the socioeconomic scale. The 1995 national profile of women's positions and roles showed that 37.4 percent of civil servants were women, but only 5.5 percent were in positions of authority.

Income disparity between men and women diminishes significantly with greater educational achievement. Female workers in manufacturing generally receive lower wages than men. Many female factory workers are hired as day laborers instead of as full-time permanent employees, and companies are not required to provide benefits, such as maternity leave, to day laborers. Womens' rights activists report that there is a growing trend in manufacturing to hire women to do work in their homes for less than the minimum wage. Unemployment rates for women are approximately 50 percent higher than for men. Women are often not given the extra benefits and salary that are their due when they are the head of household, and in some cases do not receive employment benefits for their husband and children, such as medical insurance and income tax deductions.

Despite laws that provide women with a 3-month maternity leave, the Government has acknowledged that pregnant women are often dismissed or are replaced while on leave. Some companies require that women sign statements that they will not become pregnant. The Employment Law mandates 2 days of menstrual leave per month for women, although this leave is not always allowed. Many groups complained that the draft manpower bill was vague and did not specify the length of maternity and menstrual leave time to which women are entitled. It also did not mandate that employers give breast-feeding women time during work hours to feed their babies. The new law passed by Parliament on

September 12 was revised to once again include these rights. Many groups have criticized the law for not addressing sexual harassment and violence against women in the workplace, and for providing inadequate protection in areas of employment where women have regularly suffered abuse, such as overseas employment and household service. The law is expected to take effect in October 1998.

Women disproportionately experience illiteracy, poor health, and inadequate nutrition. The President called for expanded efforts to reduce the high maternal mortality rate, which is 425 per 100,000 live births, according to official figures, and up to 650, according to estimates from other sources. The Government launched the "mother friendly movement" in December 1996 to address maternal mortality, and is currently expanding its scope to cover more districts. According to current U.N. data, two-thirds of Indonesian women are anemic, and 24 percent of women of reproductive age suffer from chronic energy deficiency. Women's educational indicators have improved in the last decade. The number of girls graduating from high school tripled from 1980 to 1990.

A growing number of NGO's are working to advance women's legal, economic, social, and political rights. They have had some success in gaining official cognizance of women's concerns. There was an increase in the number of conferences, seminars, and workshops connected with women's issues. Most were sponsored by NGO's, although some were organized by academic institutions and by the Government. Most sessions sought to raise awareness or promote advocacy for women.

Children

The Government is committed to children's rights and welfare, but is hampered by a lack of resources that prevents it from translating this commitment into practice. The Government allocates only 2.2 percent of gross national product to education. A 1979 law on children's welfare defines the responsibility of the State and parents to nurture and protect children. However, the law's provisions on protection of children have yet to go into effect because implementing regulations are still being negotiated. The Government has made particular efforts to improve primary education and maternity services.

Low cost medical care is available, although access and availability is sometimes sporadic, especially in rural areas. Moreover, the Government commits only 0.7 percent of GNP to the health sector. According to U.N. data, 36 percent of children under 5 years of age suffer from protein-energy malnutrition, and 35 percent suffer from iron deficiency.

Although primary education is in principle universal, the United Nations Children's Fund (UNICEF) estimates that more than 1 million children drop out of primary school every year due mainly to the costs associated with education and the need for the children to supplement family income. A 1994 law raised compulsory education from 6 to 9 years, but the law has not been fully implemented due to inadequate school facilities and the lack of family financial resources to support children staying in school. Official and unofficial fees for public education, including payments for registration, books, meals, transport, and uniforms have risen to prohibitively high levels for many families.

According to government statistics, 8 percent of all children between the ages of 10 and 14 work. Half go to school and also work, and half work exclusively. Unofficial estimates of working children are higher. According to the Ministry of Social Affairs, 20,000 street children live in Jakarta. Thousands more live in other cities. They sell newspapers, shine shoes, help to park or watch cars, and otherwise attempt to earn money. Many children work under hazardous conditions as scavengers and garbage pickers, and on fishing platforms and fishing boats. According to credible sources, there are several thousand children working in hazardous conditions on fishing platforms off the east coast of North

Sumatra (see Section 6.c.). Many thousands work in factories and fields (see Section 6.d.).

Street children and child laborers in some cities have become organized and interested in protecting their rights. At least 30 NGO's work with street children. NGO's have criticized the Government for making insufficient and inadequate efforts to help street children and working children. The Government is working in cooperation with the United Nations Development Program (UNDP), UNICEF, the International Labor Organization (ILO), and with NGO's to create programs for street children and child laborers. One project incorporates many ideas generated by the NGO community, including establishing "open houses" in targeted areas that provide vocational training and basic education to street children. Efforts have been initiated to start open houses for street children in seven provinces.

Another approach to the street children problem utilizes the National Program for Discipline and Clean Cities Decree. The street children are physically removed from cities by bus. Usually, they are taken outside the city and left there. Sometimes they are taken to "holding houses" where they are first interrogated and later released. Unlike past years, there were no reports that NGO's working for the rights of children experienced harassment by the authorities.

Child prostitution and other sexual abuses occur, but firm data are lacking. While there are laws designed to protect children from indecent activities, prostitution, and incest, the Government has made no special enforcement efforts in these areas.

A separate criminal justice system for juveniles does not exist. Police officials admit that juveniles are often imprisoned with adult offenders. Juvenile crime is currently handled by ordinary courts. A juvenile justice law was passed by Parliament in December 1996, and was signed by the President in January. However, it does not come into effect until January 1998. It defines juveniles as children between the ages of 8 and 18, and establishes a special court system and Criminal Code for them.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced in some parts of Indonesia. The method varies depending on ethnic, cultural and religious tradition. However, the most prevalent practice is a ceremonial one that involves the pricking, scraping, or touching of the clitoris of a baby or young girl, often with the purpose of drawing several drops of blood. Sometimes, a plant root is used symbolically and the girl is not touched. A more serious form of FGM involves the removal of the tip of the clitoris. This practice appears to be declining, and there is disagreement about how widely practiced it is. It reportedly still is practiced in Madura, South Sulawesi, and other areas. Since FGM is not regulated, and no formal position has been taken by religious leaders, the method used is often left up to the individual local traditional practitioner. FGM usually takes place within the first year after birth, often on the 40th day, though it is done in some areas up to age 10. It is performed either at a hospital or, especially in rural areas, by the local traditional practitioner. There are no statistics available on FGM.

People With Disabilities

According to U.N. estimates, there are 10 million disabled persons in the country, while the Ministry of Social Affairs estimates that 3 percent of the population, or 6 million persons are disabled. However, there are no precise statistics. Families often hide their disabled family members to avoid social stigma or embarrassment. The disabled face considerable discrimination in employment, although some factories have made special efforts to hire disabled workers. Several provinces have established "rehabilitation centers" for the disabled. Disabled persons are reportedly taken off the streets by the authorities and brought to these centers for job training.

NGO's are the primary providers of education for the disabled. There are currently 1,084 schools for the disabled; 680 are private, and 404 are government schools. Of the government schools 165 are "integrated," serving both regular and special education students. In Jakarta there are 98 schools for the disabled, 2 of which are government-run, and 96 of which are private. The Government also runs three national schools for the visually, hearing, and mentally disabled. These schools accept children from throughout the country.

A Disability Law was passed in January. Implementing regulations have not been issued, so the impact of the law remains unclear. The law strives to provide access to education, employment, and assistance for the disabled. It requires companies employing over 100 people to give 1 percent of the jobs to the disabled. The law mandates accessibility for the disabled to public facilities. Virtually no buildings or public transportation have been designed with such accessibility in mind.

The Constitution requires that the Government provide care for orphans and the disabled, but does not specify how the term "care" should be defined, and the provision of education to all mentally and physically disabled children has never been inferred. Regulations specify that the Government establish and regulate a national curriculum for special education by stipulating that the "community" provide special education services to its children.

Indigenous People

The Government considers the term "indigenous people" to be a misnomer, because it considers all Indonesians to be indigenous. Nonetheless, it publicly recognizes the existence of several "isolated communities," and that they have a right to participate fully in political and social life. The Government estimates that the number of people in isolated communities is 1.5 million. This includes, but is not limited to, groups such as the Dayak population in Kalimantan who live in remote forest areas, indigenous communities throughout Irian Jaya, and economically disadvantaged families living as sea nomads on boats near Riau in East Sumatra and near Ujung Pandang in southern Sulawesi. Critics maintain that the Government's approach is basically paternalistic and designed more to integrate indigenous people into society than to protect their traditional way of life. Human rights monitors criticize the Government's transmigration program for violating the rights of indigenous people.

Sixty percent of the population of 200 million live in Java, which represents only 7 percent of the country's territory. The government-sponsored transmigration program seeks to resettle people from densely populated areas to sparsely populated areas outside Java. The majority of migrants are spontaneous migrants who are not part of the official program. The current 5-year development plan calls for 600,000 families to be resettled, with 80,000 planned for the 1997-98 fiscal year.

Critics of transmigration claim that it often threatens indigenous cultures and sparks social envy. Some critics claim that it has been used as a political tool to inject nonindigenous people into certain areas to "Indonesianize" these areas, in part to preclude secessionist movements. In some areas, such as in certain parts of Kalimantan, East Timor and Irian Jaya, relations between transmigrants and indigenous people are hostile. Complaints about transmigration come from indigenous groups receiving less government support and funding than transmigrants, and from transmigrants, who are in some cases moved to areas with inadequate infrastructure to support them and less than desirable land.

There were protracted outbreaks of serious rioting between ethnic groups in West Kalimantan in late December 1996, and in January and February when thousands of largely Christian Dayak tribesmen attacked immigrant Muslim Madurese. Hundreds, possibly over 1,000 persons, primarily Madurese, in the fighting, and an estimated 15,000 Madurese fled the violence. The explosion of violence, the sixth

Dayak-Madurese confrontation in the past 30 years, grew partly out of Dayak perception that they were being marginalized in their native lands. The Madurese community in West Kalimantan grew around an earlier core of transmigrants, although the majority of Madurese are spontaneous immigrants.

The Government's emphasis on relatively rapid growth and development strategies, burgeoning urbanization, and aggressive government-backed commercial exploitation of natural resources results in continued tension over land tenure issues. That tension is often expressed along racial/ethnic lines as developers are frequently ethnic Chinese Indonesians. Land disputes represent the largest category of complaints submitted to the National Human Rights Commission and a significant portion of the cases brought to legal aid foundations and other legal assistance organizations.

According to a law derived from Dutch practices, all subsurface mineral resources belong to the Government. The Basic Agrarian Law states that land rights cannot be "in conflict with national and state interests," which provides the Government with a broad legal basis for land seizures. When disputes cannot be settled the Government has the authority to define fair compensation for land.

There are numerous instances of the use of intimidation, sometimes by the military, and often by hired "thugs," to acquire land for development projects, particularly in areas claimed by indigenous people. Such intimidation has been used in Jakarta, other parts of Java, North Sumatra, Aceh, and other areas. Compensation paid for the land is often minimal or even nonexistent. In one case, according to credible sources, residents living in an area needed for a new cement factory in Aceh were paid less than the equivalent of 20 cents per square meter of land, which they felt was inadequate compensation. In July residents of Magelang, Central Java complained to the regional parliament about the military taking over their land for military use. The complaint alleges that local residents were coerced, visited at night by military and local authorities, and told to accept \$2.00 per square meter for their land, which they saw as insufficient compensation.

NGO's assert that violations of the rights of indigenous people are frequent in mining and logging areas, and state that violations stem from the State's denial of ownership by indigenous people of ancestral land, denial of social structure, and forced takeover of land. These problems are most prevalent in Irian Jaya and Kalimantan.

NGO's report that local people have suffered as a result of a project in Central Kalimantan to turn one million hectares of peat land into agricultural land for rice cultivation. The site is designated as a major transmigration area. According to credible sources, 100,000 indigenous people are affected by the project. Forced to cease their traditional farming and forestbased livelihoods, many indigenous people living in the area have become poorly paid laborers on the project.

Local residents in the isolated Tanimbar islands in southeast Maluku staged futile protests against the destruction of forests, fauna, and local tribal cultures primarily due to logging.

Where indigenous people clash with development projects, the developers almost always win. Decisions regarding development projects, resource-use concessions, and other economic activities are generally carried out without the participation or informed consent of the affected communities. Unlike in past years, there were no reports that environmental NGO's that sought to aid these communities were subjected to verbal attacks, raids, and other forms of intimidation by government security forces.

Tensions with indigenous people in Irian Jaya, including in the vicinity of a foreign mining concession area near Timika, continued. Indigenous Irian Jaya residents complain of racism, religious bias, paternalism, and condescension as constant impediments to better relations with non-Irianese people,

including members of the Government, the military and the nonIrianese business community. They also complain of abusive behavior by the security forces. A large percentage of the population of Irian Jaya is now made up of migrants, who are economically and politically dominant. Most civil servants in local governments in Irian Jaya and other isolated areas continue to come primarily from other parts of Indonesia, rather than from the local indigenous population.

The anticipated distribution of funds from a foreign mining company created tensions that helped lead to a clash between tribal groups and security forces in August in the TimikaTembagapura area, which led to the shooting deaths of two Irianese and injuries to security forces (see Section 1.a.). At about the same time, two groups supporting rival leaders of the Moni tribal group held demonstrations over their claims to part of the funds from the foreign mining company, and then later massed together near the office of the local district leader to press their demands. Credible NGO sources report that bystanders to this event were assaulted by security forces. Due to local protests over how the funds would be allocated, the company suspended disbursements for new projects under this initiative.

Religious Minorities

There were a number of incidents of attacks against churches, temples, and other religious facilities, many of which occurred in the midst of larger riots. There were also instances of preaching and publications against Christians, which led to concerns that the societal support for religious tolerance was under pressure. Underlying socioeconomic and political tensions, in many instances between poor Muslims and well-to-do ethnic Chinese Christians, were key factors in such incidents. The Government has not fully resolved many cases of attacks on religious facilities and churches that occurred during riots, and in other cases has not investigated at all.

During February, the Islamic fasting month of Ramadan, many churches around the country reportedly received threatening phone calls or faxes from unknown groups warning of future destruction on specific dates. While there were incidents of church burnings and attacks during this period, the widespread attacks that were threatened did not materialize. Nevertheless, the threats caused fear in many Christian communities. Sources in Medan, North Sumatra reported that local residents, in one case with the help of the armed forces, guarded churches during these periods. A Catholic church in Bandung, a Mormon church in Semarang, and churches in Jakarta, among others, received threats. Reliable sources reported that Catholic communities were threatened with violence in a town in Central Java, but a local interreligious meeting served to defuse tensions. There were credible reports of threats against Christians and ethnic Chinese in the central Javanese towns of Purwokerto and Purworedjo during this time as well. Reliable sources reported that many churches that were threatened were guarded by church groups and local alliances of Christian and Muslim youth.

A Catholic school in Ambon was burned in February, but local residents described it as an unusual occurrence in Ambon, where relations between religious and ethnic groups are said to be generally good. A church in Garut, West Java was burned on February 22, and another was destroyed there on March 6.

There were several instances of mob violence that included attacks on churches, other religious facilities, and Chineseowned businesses. Rioting and church burnings occurred in Rengasdengklok, West Java in January, in which five churches were destroyed by mob violence. The incident was sparked after a confrontation between a Chinese woman and local Muslim youths. The rioting that followed caused widespread damage to churches. Two Buddhist temples were also damaged or burned.

There were credible reports of church burning and damage to churches and Christian schools during the

year. For example, there were two incidents in Garut, West Java, during which one church was burned in February and another was wrecked in March. There were stone throwing incidents at two churches in Wonosobo, Central Java and four churches in Surabaya, Central Java in March and April. A church in Ngawi, Central Java was wrecked in March; a Pentecostal church in Tuban, East Java was burned in May; a Pentecostal church in Manado, North Sulawesi was wrecked in May; and a church in Bogor was destroyed in May.

There were also credible reports of church burning and church destruction in many cities on May 23, the last day of the election campaign, including: 13 churches burned or wrecked in Banjarmasin, South Kalimantan; 5 churches wrecked in Pasuruan, East Java; 1 church wrecked in Kudus, Central Java; 7 churches wrecked in the area surrounding Jakarta; and 1 church wrecked in Madura, East Java. A Protestant church in Jakarta, which was stoned twice during the last week of the campaign, was burned on May 23.

After the election campaign, tensions eased but there were more churches attacked: 1 church was burned in Madura in June; 1 church was burned in Bogor, West Java in July; 1 church was burned in Kediri, East Java in July; 1 church in South Kalimantan was burned in August; 1 church was wrecked in Gorontalo, North Sulawesi in September; a number of churches and Catholic schools were attacked during rioting in Ujung Pandang, South Sulawesi in September; 1 church in Jember, East Java was attacked in October; 1 church was attacked in Blitar, East Java in October and 2 others were burned in November; in Yogyakarta, 1 church was burned and another was wrecked in November.

Many of the churches that were burned or damaged during the October 1996 Situbondo riot were successfully rebuilt with cooperation between Christian and Muslim communities.

An interreligious alliance of national student and youth groups called the Nationality Forum for Indonesian Youth, was formed in February, in part as a response to increased tensions following the Situbondo riot and church burnings in October 1996, to provide a forum for cooperation between religious groups and for communication to the grass roots to prevent further unrest. This group includes organizations representing Muslim (Nahdlatul Ulama), Protestant, Catholic, and Hindu youth.

National/Racial/Ethnic Minorities

The Government officially promotes racial and ethnic tolerance. Ethnic Chinese, at approximately 3 percent of the population by far the largest nonindigenous minority group, have historically played a major role in the economy. They are the target of discrimination. Anti-Chinese sentiment has led to attacks on Chinese-owned businesses during periods of social unrest, as was seen during the Rengasdengklok riot in January and the Ujung Pandang riots in September. Widespread anti-Chinese rioting in Ujung Pandang, South Sulawesi was sparked by the act of a mentally ill Indonesian of Chinese descent who killed a 9-year-old on a city street. The incident sparked several days of rioting in which 6 people reportedly died, and over 1,000 shops were reportedly damaged, as were a number of Chinese-owned banks and a hotel. Most of the destroyed property was targeted because of Chinese connections. Chinese temples were attacked, and the most historic local temple was destroyed.

Since 1959 noncitizen ethnic Chinese have been denied the right to run businesses in rural Indonesia. Regulations prohibit the operation of Chinese schools, formation of exclusively Chinese cultural groups or trade associations, and public display of Chinese characters, although Chinese characters are seen on some products. The Government permits the publication of one government-owned Chinese-language daily newspaper, otherwise legislation bans the import, sale or distribution of Chinese-language material. However, Chinese-language materials have begun to appear in Chinese neighborhoods in Jakarta and

possibly elsewhere. Since 1994 the Government has allowed Chinese-language instruction for employees in the tourism industry, and has allowed distribution of locally printed Chinese-language tourist brochures, programs, and similar material to Chinese speaking tourists.

Private instruction in Chinese is generally prohibited but takes place to a limited extent. The University of Indonesia offers Chinese-language courses. State universities have informal quotas that limit the number of ethnic Chinese students. The law forbids the celebration of the Chinese New Year in temples or public places, but enforcement is limited. Chinese New Year decorations were prominently displayed and sold in public shopping areas in at least a few cities. In June a senior official in charge of ethnic integration was quoted in the press as saying that the ban on Chinese-language publications should not be hastily relaxed, due to racial concerns.

East Timorese and various human rights groups charge that the East Timorese are underrepresented in the civil service in East Timor. The Government has made some efforts to recruit more civil servants in both East Timor and Irian Jaya, and there has been some increase in the number of civil servant trainees for these two provinces, despite a "no growth" policy for the civil service as a whole. East Timorese have expressed concerns that the transmigration program (see Section 1.f.) could lead to fewer employment opportunities and might eventually destroy East Timor's cultural identity. The Government said that the transmigration program in East Timor focused mostly on resettlement of Timorese, with a much smaller portion of predominantly Christian and Hindu non-Timorese coming in from outside. In the last several years, informal, predominantly Muslim migration to the province has sparked socioeconomic tension in urban areas, provoking even greater concern than the formally sponsored transmigration program.

Section 6 Worker Rights

a. The Right of Association

Private sector workers are by law free to form worker organizations without prior authorization. However, government policies and numerical requirements for union recognition constitute a significant barrier to freedom of association and the right to engage in collective bargaining. The Department of Manpower uses a regulation that requires that a union be set up "by and for workers" to deny recognition to groups that include people it considers nonworkers, such as lawyers or human rights activists, who involved as labor organizers. Under a new Law on Manpower Affairs that the Parliament passed in September, workers may form unions on the basis of "democratic consultation" with other workers in the same company, and may join with other unions to form sectoral and intersectoral federations. The new law does not take effect until October 1, 1998, and requires implementing regulations.

There is a de facto single union system, the All-Indonesian Trade Union (SPSI) and its 13 federated sectoral unions. The SPSI completed in 1995 a transformation from a unitary (centralized) to a federative (decentralized) structure. Its 13 industrial sectors are registered as separate national unions; the SPSI is the only trade union federation recognized by the Department of Manpower. The Minister of Manpower has stated that any unions that are formed should affiliate with the SPSI federation, and that the Government would not recognize any unions outside the federation. The Government's stated policy is to improve effectiveness of the recognized SPSI unions rather than to allow the formation of alternative organizations.

The Government may dissolve a union if it believes that the union is acting against Pancasila, although has never actually done so, and there are no laws or regulations specifying procedures for union dissolution.

Until 1994 only the SPSI could legally bargain on behalf of employees or represent workers in the Department of Manpower's labor courts. A 1994 regulation provides that workers in a single company with more than 25 employees can join together as a "plant-level union" and negotiate a legally binding agreement with their employer outside the SPSI framework, although the Government encourages these plant-level unions to join the SPSI. By year's end, 1,234 plant-level unions had been established, reflecting a small increase during the year. NGO's have charged, however, that many of these unions are "yellow unions" formed by company management with little or no worker participation. There were also credible reports that local Department of Manpower officials have accepted payments from employers to set up plant-level unions in their factories because they are considered even weaker than the SPSI.

Two labor groups other than the SPSI are active but not recognized by the Government: the Indonesian Prosperity Trade Union (SBSI) and the Alliance of Independent Journalists (AJI). The SBSI, created in 1992, claims that it has formed the necessary number of factory-level units to meet the legal requirements for registration as a labor union, but its most recent request (in November 1994) for registration as a trade union was denied. The Department of Manpower has also blocked SBSI attempts to register with the Department of Home Affairs as a social organization under the ORMAS Law. The Government considers the SBSI to be illegal. Although the Government has not disbanded it, it continues to harass the SBSI by disbanding its meetings and training seminars and pressuring companies to fire its members. Specific government actions against the SBSI during the year included the detention and interrogation of two members in Binjai, North Sumatra in May and the breaking up of an SBSI training session in Lampung, southern Sumatra in July, during which 26 SBSI members were detained for 2 days. In September police broke up the SBSI's second national congress as union members were concluding the first day of a scheduled 3-day meeting.

The trial of SBSI leader Muchtar Pakpahan on charges of subversion and sowing hatred against the Government, which began in December 1996, resumed in September after a 5-month suspension due to Pakpahan's ill health. While the trial was suspended, Pakpahan made two requests for medical examination and treatment of a lung tumor outside the country. After government-appointed panels of physicians examined him in each instance, the Minister of Justice and Attorney General ruled that his condition could be treated in Indonesia. In December the Government permitted a team of Canadian doctors to examine him. In January Pakpahan requested that the Supreme Court review its October 1996 decision requiring him to serve out a 4-year sentence for fomenting labor unrest a decision that the Court had previously overturned. In August Pakpahan presented new arguments to a lower court that he was innocent of the charges; the case was still pending at year's end (see Section 2.a.).

The Association of Indonesian Journalists (PWI) is the only government-sanctioned organization representing journalists. Although press laws stipulate that all journalists must belong to the PWI, a few journalists have chosen not to join. In the wake of the 1994 banning of three publications, approximately 80 journalists formed the Alliance of Independent Journalists (AJI) as an alternative to the government union. A government crackdown in March 1995 resulted in the imprisonment of three AJI members charged with "sowing hate." They were released during the year (see Section 2.a.). Despite occasional pressure on publications employing AJI members, the Government allows AJI a continued unofficial existence.

Because of past Department of Manpower regulations, many SPSI factory units are led by persons who have little credibility with their units' members because they were selected by employers. A 1995 regulation states that employees must only notify their employer that they wish to form a union and that they may proceed if they do not receive a response from their employer within 2 weeks. Despite this provision, strikes continue to occur when employers attempt to prevent the formation of union branches. These strikes are generally successful, and the formation of an SPSI unit follows shortly thereafter. However, workers who are active in the formation of the union are frequently dismissed and have no

practical protection by either law or government practice.

Civil servants are not permitted to join unions and must belong to KORPRI a nonunion association whose Central Development Council is chaired by the Minister of Home Affairs. State enterprise employees, defined to include those working in enterprises in which the State has a 5-percent holding or greater, usually are required to join KORPRI, but a small number of state enterprises have SPSI units. Teachers must belong to the Teachers' Association (PGRI). While technically classed as a union, the PGRI continues to function more as a welfare organization and does not appear to have engaged in trade union activities such as collective bargaining. Mandatory KORPRI and PGRI contributions are deducted automatically from teachers' salaries.

Unions may draw up their own constitutions and rules and elect their representatives. However, the Government has a great deal of influence over the SPSI and its federated unions. The head of the SPSI and many members of the Executive Council are also members of GOLKAR and its constituent functional groups. These persons have been given positions in the federated industrial sector unions. The Minister of Manpower is a member of the SPSI's Consultative Council.

The Government announced late in 1995 its intention to relax a regulation requiring police approval for all meetings of five or more people of all organizations outside offices or normal work sites (see Section 2.b.). However, in practice this regulation continues to apply to union meetings. Permission was routinely given to the SPSI, but not to rival organizations such as the SBSI.

In 1994 the International Confederation of Free Trade Unions lodged a formal complaint against Indonesia with the ILO, accusing the Government of denying workers the right to set up unions of their own choosing, harassing independent workers' organizations, and of taking other actions contrary to ILO standards on freedom of association and the right to collective bargaining. In November the Committee acknowledged receipt of information from the Indonesian Government in response to earlier requests, but reported that it remained "deeply concerned" by "serious and worsening infringements of basic human and trade union rights." The Committee urged the Indonesian Government to eliminate impediments to the registration of unions, including the SBSI, to institute an independent judicial inquiry into the homicide of Marsinah, to drop criminal charges against Pakpahan and to have him released, and to provide information on...other cases."

While Pancasila principles call for labor-management differences to be settled by consensus, all organized workers except civil servants have the legal right to strike. State enterprise employees and teachers rarely exercise this right, but private sector strikes are frequent. Before a strike can occur legally in the private sector, the law requires intensive mediation by the Department of Manpower and prior notice of the intent to strike. However, no approval is required. The manpower law passed in September, which is not yet in effect, allows strikes only if an industrial dispute cannot be resolved by the concerned parties or through the industrial dispute resolution process. The law requires that striking workers be paid if they are striking to obtain benefits determined by law, regulation, a collective bargaining agreement, or company regulations.

In practice, dispute settlement procedures are rarely followed, and formal notice of the intent to strike is rarely given because Department of Manpower procedures are slow and have little credibility with workers. Therefore, sudden strikes tend to result from longstanding grievances or recognition that legally mandated benefits or rights are not being received. According to the Department of Manpower Statistics, there were 226 strikes involving 141,968 workers during the first 11 months of the year, a significant decrease from 1996. However, in 1997 the Government only counted work stoppages in which at least a full day's production was lost as strikes. Shorter work stoppages ("unjuk rasa") are much more frequent, but the Government kept no official count of them in 1997. In information provided to

the ILO Committee on the Application of Conventions and Recommendations, the Government reported that there were 890 strikes involving 500,000 workers in 1996. NGO's believe that the number of strikes and workers involved was higher than this. The largest concentration of strikes occurred following the implementation of the new minimum wage in April, and involved tens of thousands of workers. The largest single strike took place in November and involved 40,000 workers at a cigarette factory in East Java. Four strikes during the year are known to have resulted in damage to factories.

The SPSI maintains international contacts but its only international trade union affiliation as a federation is the Association of Southeast Asian Nations Trade Union Council. Several of the SPSI's federated sectoral unions are members of international trade secretariats.

b. The Right to Organize and Bargain Collectively

Collective bargaining is provided for by law, and the Department of Manpower promotes it within the context of the national ideology, Pancasila. Until 1994 only recognized trade unions--the SPSI and its components--could legally engage in collective bargaining. Since early 1994, government regulations also permit unaffiliated plant-level workers' associations to conclude legally binding agreements with employers, and some 732 had done so by the end of 1996, according to government figures. Agreements concluded by any other groups are not considered legally binding and are not registered by the Department of Manpower. Once notified that 25 employees have joined a registered SPSI or independent plant-level union, an employer is obligated to bargain with it.

In companies without unions, the Government discourages workers from utilizing nongovernment outside assistance, e.g., during consultations with employers over company regulations. Instead, the Department of Manpower prefers that workers seek its assistance and believes that its role is to protect workers. There are credible reports that for many companies, consultations are perfunctory at best and usually with management-selected workers; there are also credible reports to the contrary from foreign companies. According to government statistics, approximately 80 percent of the factory-level SPSI units have collective bargaining agreements. The degree to which these agreements are freely negotiated between unions and management without government interference varies. By regulation, negotiations must be concluded within 30 days or be submitted to the Department of Manpower for mediation and conciliation or arbitration. Most negotiations are concluded within the 30-day period. Agreements are for 2 years and can be extended for 1 year. The new Manpower Law, which is expected to take effect late in 1998, specifies no time limit on negotiations, but requires that the union negotiating the contract be supported by a majority of workers in the concerned company.

According to NGO's involved in labor issues, in current practice the provisions of collective bargaining agreements rarely go beyond the legal minimum standards established by the Government, and the agreements are often merely presented to worker representatives for signing rather than being negotiated. The SPSI stated in September that of 23,525 collective bargaining agreements signed between employers and workers, 10,776 of these agreements were only "imitation" agreements because they were concluded in companies where workers were not represented by a union. Although government regulations prohibit employers from discriminating against or harassing employees because of union membership, there are credible reports from union officials of employer retribution against union organizers, including firing, which is not effectively prevented or remedied in practice. Some employers reportedly have warned their employees against contact with union organizers from the unrecognized SBSI organization. Charges of antiunion discrimination are adjudicated by regional and national labor dispute resolution committees, and their decisions can be appealed to the State Administrative Court. In September the State Administrative Court reversed a National Labor Dispute Resolution Board ruling that ordered the Hong Kong Bank to reinstate 166 union members who went on strike, despite government regulations making it illegal to fire workers solely for striking or other union

activity. Decisions such as this lead many union members to believe that the dispute resolution committees generally side with employers. As a result, workers frequently present their grievances directly to the National Human Rights Commission, Parliament, and nongovernmental organizations. Administrative decisions in favor of dismissed workers tend to be monetary awards; workers are rarely reinstated. The law requires that employers obtain the approval of the labor dispute resolution committee before firing workers, but the law is often ignored in practice. The new manpower law, which takes effect in late 1998, requires only that employers consult with concerned workers and their unions about their intention to terminate the workers' employment.

Commenting on antiunion discrimination and restrictions on the right to organize and bargain collectively, the June report of the ILO's Committee on the Application of Conventions and Recommendations "observed with deep concern that the discrepancies between the Convention on the one hand, and legislation and national practice on the other, have continued for many years." The Committee also observed that "the Government had not given sufficient proof of a willingness to comply" with the provisions of ILO Convention 98, "as it has not requested technical assistance in this respect." The Committee expressed its deep concern over this situation and asked the Government urgently to amend the legislation and report on the measures taken or envisaged in this respect. The Committee urged the Government to ensure full respect of the civil liberties essential for the full implementation of the Convention.

On June 1, 1996, the Minister of Manpower issued a new regulation permitting unions affiliated with the SPSI to collect union dues directly through the checkoff system, rather than having the Department of Manpower collect dues and transfer them to the SPSI. Implementation of this system during the year was uneven. Some workplace units of the SPSI reported that they were receiving dues collected through the checkoff system from their employers. Other workplace units reported that their companies refused to release dues to the union and continued to deposit dues into Department of Manpower accounts. Department of Manpower officials state that the Department instructed its regional offices to close accounts previously used for union dues, but according to reports from various regions, not all offices had carried out this instruction. Union officials at SPSI headquarters stated that not all local branches of the unions are sending a portion of dues collected to regional and central headquarters as provided in the SPSI's by-laws.

The police, as well as the military, continue to involve themselves in labor issues, despite the Minister of Manpower's revocation in 1994 of a 1986 regulation allowing the military to intervene in strikes and other labor actions. A 1990 decree giving the Agency for Coordination of National Stability (BAKORSTANAS) authority to intervene in strikes in the interest of political and social stability remains in effect. Union and NGO observers note a shift over the past 2 to 3 years from open intervention and demonstrations of force by uniformed troops to less visible measures. Union activists complain that both police and local military representatives harass and occasionally detain union leaders and seize materials from union offices without warrants. In addition, police frequently block or break up meetings between union organizers or NGO representatives and workers, especially meetings organized by the SBSI. However, the most common form of military involvement in labor matters, according to union and NGO representatives, is a longstanding pattern of collusion between police and military representatives and employers, which usually takes the form of intimidation of workers by security personnel in civilian dress. Employer and union representatives have also complained about the "invisible costs" of corruption, which they and others estimate constitute up to 30 percent of a company's expenses.

Labor law and practice are the same in export processing zones as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor

The law forbids forced labor, and the Government generally enforces it. The Government prohibits forced and bonded labor by children, but does not always enforce this effectively. There are credible reports that several thousand children are forced to work on fishing platforms off the east coast of North Sumatra in conditions of bonded labor. Most are recruited from farming communities, and once they arrive at the work site miles offshore, they are held as virtual prisoners and are not permitted to leave for at least 3 months and until a replacement worker can be found. Children receive average monthly wages of \$17 to \$32, well below the regional minimum wage. They live in isolation on the sea, work 12 to 20 hours per day in often dangerous conditions, and sleep in the workspace with no access to sanitary facilities. There are reports of physical, verbal, and sexual abuse of the children.

There were reports that the military forced villagers to perform uncompensated labor in Irian Jaya; the military denied such reports (see Section 2.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

Child labor exists in both urban and rural areas, and in both the formal and informal sectors. According to a 1995 report of the Indonesian Central Bureau of Statistics, 4 percent of children between the ages of 10 and 14 work full-time, and another 4 percent work part-time in addition to going to school. The 1994 government labor force survey reported that there were 2.08 million children age 10 to 14 in the labor force, but many observers believe that number to be significantly understated, because documents verifying age are easily falsified, and because children under 10 were not included.

Indonesia was one of the first countries to be selected for participation in the ILO's International Program on the Elimination of Child Labor (IPEC), and it signed a memorandum of understanding with the ILO in 1992 to guide collaboration under this program. The Government and the ILO signed another memorandum of understanding on child labor in March committing to "promote conditions to enable the Government to protect working children and progressively prohibit, restrict and regulate child labor with a view to its ultimate elimination." Although the ILO has sponsored training of labor inspectors on child labor matters under the IPEC program, enforcement remains lax.

The Government acknowledges that there is a class of children who must work for socioeconomic reasons, and in 1987 the Minister of Manpower issued a regulation, "Protection of Children Forced to Work." This regulation legalizes the employment of children under the age of 14 who must work to contribute to the income of their families. It requires parental consent, prohibits dangerous or difficult work, limits work to 4 hours daily, and requires employers to report the number of children working under its provisions. It does not set a minimum age for children in this category, effectively superseding the colonial-era government ordinance of December 17, 1925, on "Measures Limiting Child Labor and Nightwork of Women," which is still the current law governing child labor and sets a minimum age of 12 for employment. The 1987 regulation is not enforced. No employers have been taken to court for violating its restrictions on the nature of employment for children, and no reports are collected from establishments employing children.

Act No. 1 of 1951 was intended to bring into force certain labor measures, including provisions on child labor that would replace those of the 1925 legislation. However, implementing regulations for the child labor provisions have never been issued. Thus the child labor provisions in the 1951 act have no validity. The Government prohibits forced and bonded labor by children, but does not enforce this prohibition effectively (see Section 6.c.).

The new manpower law, which takes effect on October 1, 1998, prohibits employers from hiring children under the age of 15, except that employers may hire children who are forced for economic

reasons to work. The new law places restrictions similar to those in the 1987 regulation on employers hiring children. It also states that adolescents (ages 15 to 17) cannot work during certain hours of the night, below ground, in mines, or in jobs that would have an adverse effect on morality, such as in entertainment facilities.

According to government labor force data, most working children work in the agricultural sector, although the number of working children in urban areas has risen significantly with urbanization. More child laborers work in the informal sector than the formal sector. Where children work in the formal sector, such work tends to occur on the border line between the informal and formal economies, such as alongside their parents in home enterprises and on plantations, and in family-owned shops and small factories, particularly those that are "satellites" of large industries. There are children working in large factories, although the number is unknown, especially since documents verifying age are easily falsified. In the informal sector, they sell newspapers, shine shoes, help to park or watch cars, and otherwise earn money. Many children work in hazardous conditions as scavengers and garbage pickers, and on fishing platforms and fishing boats. Many domestic workers are female children under age 15. Although accurate figures are unavailable, estimates put the number of child domestic workers at up to 1.5 million. A survey done in 1995 revealed that these children work long hours, receive low pay, are generally unaware of their rights, and are often far from their families.

A 1994 law raised compulsory education from 6 to 9 years, but the law has not been fully implemented due to inadequate school facilities and due to lack of family financial resources to support children staying in school.

Some employers hire children because they are easier than adults to manage, and tend not to organize or make demands on employers. Children working in factories usually work the same number of hours as adults. Children work in the rattan and wood furniture industries, the garment industry, the footwear industry, food processing, and toy making, among others.

e. Acceptable Conditions of Work

There is no national minimum wage. Rather, area wage councils working under the supervision of the National Wage Council establish minimum wages for regions and basic needs figures for each province--a monetary amount considered sufficient to enable a single worker to meet the basic needs of nutrition, clothing, and shelter. The Government has increased the average minimum wage 70 percent (when adjusted for inflation) over the past 5 years. After the latest increase in April, which averaged 10 percent nationwide, the average minimum wage was equal to 95 percent of the government-determined "minimum living need." In Jakarta the minimum wage, which was about \$70 (rp 172,500) per month at the time it went into effect, has, because of the fall in the value of the rupiah, become about \$30 at year's end. An additional increase is expected in early 1998.

There are no reliable statistics on the number of employers paying at least the minimum wage. Independent observers' estimates range between 30 and 60 percent. Enforcement of minimum wage and other labor regulations remains inadequate, and sanctions too light, although the new manpower law, which is to take effect on October 1, 1998, increases penalties for not paying the minimum wage from rupiah 100,000 (about \$30 at the time of enactment \$18 at the end of the year) to rupiah 200,000,000 (\$60,000 at the time of enactment, \$36,000 at year's end). During the year, according to government figures, 464 companies applied for relief from the minimum wage increases on the ground that they would otherwise close, and 276 received permission for exceptions or postponements of the new wage rate.

Labor law and ministerial regulations provide workers with a variety of other benefits, such as social security, and workers in more modern facilities often receive health benefits, free meals, and transportation. The law establishes 7- or 8-hour workdays and a 40-hour workweek, with one 30-minute rest period for each 4 hours of work. The law also requires 1 day of rest weekly. The daily overtime rate is 1 1/2 times the normal hourly rate for the first hour, and 2 times the hourly rate for additional overtime. Regulations allow employers to deviate from the normal work hours upon request to the Minister of Manpower and with the agreement of the employee. Workers in industries that produce retail goods for export frequently work overtime to fulfill contract quotas. Observance of laws regulating benefits and labor standards varies from sector to sector and by region. Employer violations of legal requirements are fairly common and often result in strikes and employee protests. The Ministry of Manpower continues publicly to urge employers to comply with the law. During the year, the Government investigated 31 companies for labor law violations, of which 13 were taken to court, 6 of these cases resulted in prison sentences for company management and 6 in fines. However, in general, government enforcement and supervision of labor standards are weak.

Both law and regulations provide for minimum standards of industrial health and safety. In January the Government announced a new occupational safety and health management system under which companies with more than 100 employees could obtain public recognition of their compliance with safety and health standards by submitting to a safety audit procedure. In the largely Western-operated oil sector, safety and health programs function reasonably well. However, in the country's 100,000 larger registered companies outside the oil sector, the quality of occupational health and safety programs varies greatly. The enforcement of health and safety standards is severely hampered by the limited number of qualified Department of Manpower inspectors as well as by the low level of employee appreciation for sound health and safety practices. Allegations of corruption on the part of inspectors are common. Workers are obligated to report hazardous working conditions. Employers are forbidden by law from retaliating against those who do, but the law is not effectively enforced.

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