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U.S. Department of State

Indonesia Country Report on Human Rights Practices for 1998

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INDONESIA

Indonesia's authoritarian political system came under sustained challenge during 1998, resulting in President Soeharto's departure from office and opening an opportunity for meaningful political and economic reforms. The ultimate result of this reform effort remains unclear. Two months after his reelection to a seventh 5-year term in March, popular pressure forced Soeharto to resign in favor of his hand-picked Vice President, B.J. Habibie. The new President immediately announced a series of steps to address domestic and international human rights concerns. With many citizens questioning his legitimacy because of his close association with Soeharto, President Habibie formed a cabinet that drew heavily on holdovers from the last Soeharto Cabinet. In response to demands for early elections, Habibie pledged to advance parliamentary elections by 3 years, to hold them under fundamentally revised electoral laws, and to complete selection of a new president by the end of 1999. The Government allowed new political parties to form and adopted a more responsive attitude toward groups demanding improved protections for human rights. The economic crisis generated friction among social and ethnic groups, and the state ideology of "Pancasila," which stresses consultation and consensus, was not used as blatantly as in the past to limit dissent and enforce social and political cohesion. The judiciary remained subordinated to the executive and suffers from pervasive corruption.

The armed forces have broad nonmilitary powers under a "dual function" concept that accords them a political and social role in government. The primary mission of the 450,000-member armed forces, which includes 175,000 police, is maintenance of internal security and stability. In the more open post-Soeharto climate, the dual function doctrine came under challenge from student and other social groups. In the absence of effective institutional safeguards, and despite some improvement over the course of the year, the military and police continued to commit numerous serious human rights abuses.

The country's severe economic crisis led to massive unemployment, food shortages, and a significant drop in living standards, as well as a rise in crime, looting, and other symptoms of social breakdown. Widespread corruption remained a problem. Major unrest spurred demands both for the Government to act more effectively to address social

and economic inequities and to curb disorders. In rural areas, discontent often focused on the grievances of small landowners, especially those forced off their land by powerful economic and military interests. In some regions, exploitation of natural resources entailed significant environmental degradation with adverse social consequences.

The Government continued to commit serious human rights abuses. Its performance improved after the resignation of President Soeharto, when it endorsed broadened press freedom, released numerous political prisoners, signed or ratified important human rights and labor conventions, and security forces more frequently exercised restraint in responding to demonstrations. In addition, it faced mounting public pressure to strengthen protections for human, labor, and civil rights. Security forces continued to commit extrajudicial killings throughout the year, including of unarmed civilians, in particular in East Timor and Irian Jaya. Security forces shot and killed four unarmed students participating in a peaceful demonstration at Trisakti University on May 12. Two police officers were sentenced to short jail terms for not following orders, although they were not charged with these killings. Many viewed them as scapegoats, since evidence indicated that other military units were responsible. Security forces also fired upon and killed protestors during November demonstrations. The abduction of political and human rights activists was a serious problem through May. During Soeharto's final year in office, at least 20 such activists disappeared. The armed forces in August acknowledged responsibility for illegally kidnaping nine activists who already had been released, several of whom said that they were tortured while in detention. At least 12 activists remained missing as of year's end. Punishments short of criminal sanction were imposed on three high-ranking officers in connection with these kidnappings, and the court martial of 11 other lower ranking military personnel began in December. Security forces continued to torture, abuse, and otherwise mistreat persons. The Parliament ratified the Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment in July, but legal protections against torture are still inadequate. During massive riots in mid-May, mobs targeted the ethnic Chinese community, which was not protected by the authorities. Following the riots, allegations of mass rape of ethnic Chinese women were made, forcing the Government to establish a fact-finding team to investigate the riots and rapes. The team found that elements of the military had been involved in the riots, some of which were deliberately provoked. It also verified 66 rapes of women, the majority of whom were Sino-Indonesian, as well as numerous other acts of violence against women. The armed forces publicly acknowledged several areas of past human rights violations and launched still ongoing investigations into some of the worst violations. Security forces continued to use arbitrary arrest and detention. The judiciary is pervaded by corruption, and remains subordinated to the executive branch. Security forces regularly violated citizens' right to privacy. Prison conditions remained harsh.

The Government's limits on freedom of speech and the press loosened considerably during the first 5 months of the year. Prior to Soeharto's resignation, public criticism of the Government intensified and received broad coverage in the press. The media also carried regular reports of calls for political and economic reform and for Soeharto to step down. Following Soeharto's resignation, press freedom expanded significantly but still lacks institutionalized protections. The Government continued to impose significant limitations on freedom of assembly and association during the first 5 months of the year. Although students generally were permitted to demonstrate on campus during this period, security forces frequently used force to prevent them from taking protests off campus and occasionally entered the campuses and beat student demonstrators. In the period prior to the March presidential election, security authorities broke up numerous protests, including peaceful demonstrations, leading to the arrest, trial, and conviction of activists. Many demonstrations took place during the second half of the year by students and others without interference from security forces. However, throughout the year, there were numerous instances where security forces reacted harshly in dealing with demonstrations or in disputes with citizens, leading in many cases to injury, and in some cases to the killing of demonstrators. For much of the year, security forces generally refrained from using lethal force in responding to major riots; however, they frequently were criticized for not acting in time to protect citizens and property from the large-scale destruction that occurred. Numerous demonstrations occurred following Soeharto's resignation, and the new Government in July issued a controversial decree restricting demonstrations. The Government bowed to popular pressure by rescinding the decree in August. A new law on freedom of expression passed by the legislature in October required 3-days' advance notice to police of demonstrations and contained other provisions governing the conduct of demonstrations. It was enforced unevenly.

The Government legally provides for religious freedom for five designated religions; unrecognized religions are subject to restrictions. Attacks against minority houses of worship continued, and the lack of an effective government response to punish perpetrators and prevent further attacks led to allegations of official complicity in some of the incidents.

Attacks on mosques also occurred. The Government to a limited extent continued to restrict freedom of movement. Domestic human rights organizations played a significant and increased role in advocating improved human rights conditions; some nongovernmental organizations (NGO's) reported monitoring and interference by the authorities. Discrimination against women, the disabled, and ethnic minorities, and violence against women are endemic problems. Child abuse and child prostitution are problems, and female genital mutilation (FGM) persists in some areas. Interreligious violence and violence against ethnic minorities also were a problems.

The Government took several positive steps in regard to worker rights, although enforcement of labor standards remained weak. The military and police continued to intervene in labor disputes, canceled union meetings, intimidated workers, and beat and injured union demonstrators. At least one worker died as a result of such injuries. Economic pressures forced a significant number of children out of school and likely increased the number of children working. Millions of children work, often under poor conditions. Forced and bonded labor, including by children, remains a problem. Some children forced to work under conditions of bonded labor reportedly suffer abuse. However, despite worsening conditions for workers due to the economic crisis, the Government took several positive steps in regard to worker rights. The Government released the country's best known labor leader from detention and withdrew all charges against him. The Government also ratified International Labor Organization (ILO) Convention 87 on freedom of association, allowed new and previously unrecognized independent trade unions to operate, and postponed implementation of a controversial manpower law to permit revision and public consultation.

With the demise of the Soeharto regime, United Nations-sponsored Portuguese-Indonesian talks on East Timor gained new momentum, as the two sides agreed to discuss an Indonesian plan to offer special status for East Timor, which went well beyond what had been considered by the previous government. However, as of year's end, negotiators had not bridged the gap between the Government's insistence on autonomy as a final solution, and the Portuguese/East Timorese resistance demand for an eventual vote on self-determination. In East Timor itself, there were increasing expressions of popular opposition to the Government, and proreferendum forces began to operate more openly. A surge of support for independence following Soeharto's resignation caused tensions to rise sharply and precipitated the temporary departure of several thousand non-East Timorese government officials and others, reportedly concerned about their security. Serious human rights abuses continued despite a relatively low level of insurgent activity. Extrajudicial killings rose sharply, with confirmed reports of 37 killings in the first 8 months of the year. Credible sources attributed the great majority of these incidents to the military; in the final months of the year, military and police personnel, along with civilians seen as collaborators were the victims of a series of attacks and killings. Insurgents were accused in these cases, although it is unclear who is responsible. Military crackdowns that followed were accompanied by serious human rights abuses. As in past years, disappearances, torture, and excessive use of force on the part of the authorities continued. Following the May events, there was a more open atmosphere in East Timor, with increased tolerance for freedoms of assembly, expression, and the press. A June visit by a troika of European ambassadors, and a December visit by U.N. Special Envoy Jamsheed Marker, were greeted with large proreferendum demonstrations. The Habibie Government released 56 East Timorese political prisoners, but resistance leader Xanana Gusmao remained in prison despite international calls that he be freed. No progress was made in accounting for persons missing following the 1991 Dili incident, or of others who disappeared in recent years. While the military carried out a highly publicized withdrawal of some 1,000 troops, there did not appear to be an overall reduction in the unjustifiably high number of troops in East Timor, and some evidence pointed to an increase. The Government granted increased access to the area to foreign journalists but continued to ban travel by foreign human rights nongovernmental organizations (NGO's) except for the International Committee of the Red Cross (ICRC). In July a respected East Timorese was appointed director of the previously dormant East Timor branch of the National Commission on Human Rights, which had opened in 1996. While in most cases those responsible for extrajudicial killings went unpunished, the military authorities prosecuted a soldier who had killed a civilian.

In Irian Jaya, resentment among indigenous groups against the Government led to angry demonstrations for independence in five cities between July 1 and July 7. Security forces responded harshly, killing one person in Jayapura, one in Sorong, and a still undetermined number in Biak. Demonstrators beat a plainclothes policeman to death in Jayapura, and injured security personnel in other cities. The Parliament, the National Human Rights Commission, the Council of Churches, and a consortium of NGO's all conducted investigations of human rights violations in Irian Jaya. An investigation by a group of Irianese churches and the National Human Rights Commission

confirmed earlier reports of 11 extrajudicial killings by security forces in the central highlands of Irian Jaya and is continuing its investigation into reports that security forces killed another 43 persons in 1997. On October 1, the Government announced a less stringent security status for Irian Jaya.

Serious human rights abuses in Aceh continued through May. However, tensions remained high for the rest of the year despite the reduction in abuses and resulted in several clashes between Acehnese and military personnel, seven of whom were killed following their abduction in December.

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, and security forces continued to employ harsh measures against separatist movements in these areas. In addition to killings committed in these three officially designated "troubled areas," security forces killed unarmed student demonstrators, and there were also numerous instances of reported extrajudicial killings by security forces in cases involving alleged common criminal activity.

Security forces beat four bystanders while breaking up a large student demonstration in Yogyakarta on May 9. One of the victims died from the beating. Security forces shot and killed four unarmed students who were participating in a large, peaceful demonstration at Jakarta's Trisakti University on May 12. Security forces and students there engaged in a brief confrontation, which was resolved through negotiation. However, when the students began returning to campus, four were shot and killed. Anger over the killings helped cause the rioting that took place in Jakarta May 13-14. On November 13, security forces fired on and beat student and nonstudent demonstrators at Atma Jaya University. At least nine demonstrators were killed, and one member of the security forces was killed when beaten by demonstrators (see Section 1.c.). Four progovernment demonstrators were also killed in a separate incident on November 13, when they were beaten to death by civilians.

The Human Rights Commission established a team at the end of November to investigate the November 13 incident. The armed forces earlier had announced on November 22 that they would take legal action against some personnel who had been involved in beating journalists on November 12 and in shooting demonstrators on November 13, when nine (mostly student) demonstrators died. Over 100 Army Strategic Reserve Command (KOSTRAD) and Jakarta Area Command (KODAM JAYA) soldiers were disciplined after the incident, mostly for discharging their weapons (with rubber bullets) without permission and use of excessive force against demonstrators. Based on the severity of the violation, soldiers were given one of three levels of punishment: 21-days' detention, 10-days' detention, or extra duty/confinement to barracks. No further legal action was taken, and no one was held accountable for the deaths of the demonstrators.

Credible sources confirmed some 37 extrajudicial killings in East Timor in the first 8 months of the year. In a case under investigation by the National Human Rights Commission, military personnel killed four East Timorese civilians in January in the Bobonaro area. Special forces troops killed a herdsman near Venilale in February. In April an East Timorese woman and her two children were killed when military forces assaulted her house in Baucau. In another attack on a house in Baucau, two East Timorese men were killed in May. Also in May, military personnel reportedly killed Costodio da Silva Nunes when he ran from them near Liquica. In June Herman das Doares Soares was shot in the back by military forces near Manatuto while gathering wood and died on his way to the hospital. One soldier was found guilty of murder in the incident and sentenced to 10 years' imprisonment. Also in June, a stray bullet apparently killed Manuel Marques Soares when security forces fired at a crowd of protestors in Manatuto. In late June, security forces killed Orlando Marcelino da Costa when they fired into a crowd demonstrating during the visit of the European troika ambassadors to Baucau. In August security forces fatally shot a civilian in Bobonaro, East Timor, in what the local office of the National Human Rights Commission called a retaliation killing following an earlier altercation. In a November military operation in the Alas area, security forces killed at least six persons.

In Irian Jaya, a group of Irianese churches issued a report in May that charged the military with responsibility for the extrajudicial killing of 11 persons in the south central highlands of Irian Jaya during a military operation aimed at capturing separatists who kidnaped and later killed 2 members of a group of researchers in January 1996. The National Human Rights Commission subsequently confirmed the killings and is continuing an investigation into 43 other deaths that the church commission said were caused by the military. The Council of Churches is continuing an investigation into the reported shooting deaths of an undetermined number of persons after security forces forcefully broke up a large demonstration in favor of independence for Irian Jaya in Biak on July 6.

In Aceh there were credible reports of mass graves and killings carried out by security forces in the past and into 1998. The National Human Rights Commission and a parliamentary delegation carried out investigations of mass graves, extrajudicial killings, disappearances, rape, and torture that took place in Aceh during 1989-91 and 1997-98. The National Human Rights Commission visited Aceh in August and issued a preliminary report that estimated that there were hundreds of instances of killings, disappearances, and torture. Following the Commission's report, the provincial government authorized a series of fact-finding teams composed of community workers, NGO staff, journalists, retired military personnel, and others to conduct more thorough investigations into human rights abuses in the three hardest hit districts in the province. In December the governor of Aceh announced the teams' findings: In three provincial districts, between 1989 and mid-1998, 1,021 Acehnese were killed, 864 disappeared and remain missing, 357 were disabled, 1,376 women were widowed, 4,521 children were "orphaned" (lost at least 1 parent), and 681 houses were burned. There are also credible allegations that hundreds of Acehnese women were raped during the 9-year military operation. Reports of disappearances and other serious human rights abuses continued until May. Between 24 and 34 Acehnese reportedly were abducted in the period from December 1997 to May and remain unaccounted for. The armed forces commander visited Aceh in August and apologized for "excesses" committed by the military in the province; he promised to withdraw all combat units not normally based there, a promise that was subsequently carried out. However, troop levels were increased sharply again in December in response to rising tensions and clashes between civilians and the military. Tensions between the military and the local population in the province remain high, as reflected by rioting in Lhoksumawe in late August and early September. During the Lhoksumawe rioting, one local resident was killed and eight others were injured by gunfire in confrontations with security forces. Through the end of the year sporadic civil disturbances and instances of violence occurred in the districts of North Aceh, East Aceh, and Pidie and two more persons were kidnaped and possibly killed.

International human rights organizations reported that three Acehnese refugees deported by Malaysia and suspected of separatist activity by the Indonesian Government were tortured as they were being transported back to Indonesia by Indonesian authorities. According to the reports, the three were chained to inner tubes and dragged across the Strait of Malacca behind the Indonesian vessel that was transporting them. One of the three reportedly died.

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. A police spokesman in Jakarta told the press that police had shot a suspected drug dealer in February when he resisted arrest by pulling a knife and ignoring warning shots. According to a press report, the victim died from a shot to the head.

In the past, higher authorities rarely punished the military or police for using excessive force. The armed forces' investigation into the Trisakti shootings implicated 18 police officers, 2 of whom had been court-martialed as of September. Lawyers for the defendants charged that their clients were wrongly accused. The prosecution had indicated that the police fired rubber bullets, but the defense and others contended that the students had been killed by live ammunition. The National Human Rights Commission in a May 27 statement indicated that it was not able to meet with a number of witnesses to the shootings because they had been "threatened by an unidentified person." It also reported that it had obtained evidence that the police had not used live ammunition. Other evidence appeared to implicate military units in the shootings. On August 12, the two police officers who were court-martialed in the case were convicted by a military tribunal of disobeying or exceeding orders by ordering their subordinates to shoot into the crowd of demonstrating students. The two were sentenced to imprisonment, one for 10 months and the other for 4 months. Trials in the cases of the other 16 defendants had not yet begun as of year's end. The government-established

joint fact-finding team on the May riots and rapes in its November 3 report urged authorities to speed up the judicial process related to the Trisakti case, and called for further investigations in order to reveal the full story surrounding this incident. It also concluded that the Trisakti shootings triggered the May 13-15 rioting.

There were no developments in the five cases of alleged human rights violations in Irian Jaya involving the death of Irianese civilians, which were cited in a 1995 report by the National Human Rights Commission.

Police resumed the investigation of the 1993 murder of labor activist Marsinah, questioning old and new witnesses, after NGO's and labor groups called for a fresh effort to solve the case. In September 1997, police had announced a "temporary suspension" in the investigation.

Vigilantes apparently killed three suspected informants in Aceh in late October and early November. In late December, seven off-duty soldiers were killed by a mob in a village in East Aceh, prompting dozens of arrests by security forces and the deployment of at least 700 troops from outside the province.

In East Timor during the first half of the year, at least six security personnel and East Timorese civilians accused of collaborating with the Government were killed. During the final months of the year, there was also a pattern of attacks and killings directed against military and police personnel and civilians seen as collaborators. Insurgents were accused in these cases although it was often unclear who was responsible. Personal grudges or other motives, rather than political grounds, may have been the cause of the killings in some cases. In November residents of Alas, possibly accompanied by guerrillas, attacked a local military post and killed three soldiers.

In several areas, especially East Java, suspected practitioners of black magic as well as some religious leaders associated with a moderate Muslim organization, Nahdlatul Ulama, were killed by unidentified persons or mobs. There were close to 200 such attacks during the year. Associates of the victims criticized the lack of police or military response and said that the attacks were politically motivated. Few of the perpetrators were caught; in some cases, angry mobs killed suspects detained by the police.

b. Disappearance

Reports of disappearances continued until May. Security forces admitted to involvement in the abduction and disappearances of nine student and human rights activists, who were subsequently released. Several of these credibly reported that they were tortured while in custody and that other abducted activists, who remain missing, were held in the same facility. According to credible local human rights monitors, the confirmed disappearances occurred in three phases: Near the time of the May 1997 election, in the 2 months prior to the March People's Consultative Assembly (MPR) session, and in the period just before Soeharto's May 21 resignation. By May, nine of those kidnaped in the second phase were released from captivity and had "reappeared." They were Pius Lustrilanang, Desmon Mahesa, Haryanto Taslam, Faisol Reza, Rahardjo Waluyo Djati, Nezal Patria, Mugianto, Aan Rusdianto, and Andi Arief. Several spoke out publicly about their experiences. None of those abducted in the first and third phases had reappeared as of December.

Pius Lustrilanang, chairman of the People's Alliance for Democracy (ALDERA), testified before the National Commission on Human Rights on April 27 about his ordeal. According to his statement, on February 4 while waiting for public transportation he was kidnaped in Jakarta by an armed man who shoved him into a car. He was handcuffed and blindfolded, and taken to an unidentified place where he was questioned and tortured (see Section 1.c.). He was held with other kidnaped activists in a facility with six cells. Prior to his April 2 release, he was threatened with death if he spoke of his experience. He never saw the kidnapers during his 2 months of captivity. Desmon Mahesa, the chairman of a local legal aide group, LBH Nusantara, and a member of ALDERA, on May 12 gave a public statement about his experience. He reported that on February 3 he was on his way to a meeting and was approached by two men armed with pistols who beat him. He was pulled into a car and a bag was put over his head. He was taken to a room where he was interrogated and tortured (see Section 1.c.). He was held in the same facility as Pius Lustrilanang. Mahesa was released on April 3 at the Jakarta airport. Rahardjo Waluyo Djati, from the National Committee for Democratic Struggle publicly spoke on June 4 about his March 12 abduction. He was taken to an unidentified location

where he was interrogated and, for the first 3 days, tortured (see Section 1.c.). The kidnapers transferred him to the police on April 17. Faizal Reza spoke publicly on June 26 about his experience. He said that while waiting for public transportation he was abducted and thrown into a car and blindfolded. He was taken to a large building in Jakarta and tortured (see Section 1.c.). Andi Arief, the head of the student wing of the People's Democratic Party (PRD), on July 21 publicly spoke about his March 28 kidnaping from Lampung, South Sumatra and subsequent interrogation. He said that he had been held captive for almost 3 weeks in Jakarta along with other political activists, and then he was turned over to the police who held him until he was released on July 15.

Four more of the persons who disappeared also resurfaced, including Indonesian Democratic Party (PDI) official Haryanto Taslam and students Nezar Patria, Mugianto, and Aan Rusdianto.

Local human rights monitors listed 12 missing persons as of year's end, and there are fears that some or all may have been killed by their abductors. A member of the National Human Rights Commission at the end of August called on the armed forces to explain to the public the status of the missing and to find them, alive or dead.

Six of the persons still missing are believed to have disappeared in Jakarta in 1997 near the time of the general election. They are: M. Yusuf, Yani Avri, Sonny, Noval Alkatiri, Deddy Hamdum, and Ismail. Two of the six disappeared during the period prior to the March MPR session, but--unlike the nine other persons who disappeared during that period and who were released--they have not reappeared. They are: Suyat, who disappeared in Solo, and Herman Hendrawan, who disappeared in Jakarta. Four persons disappeared after the MPR session, most on May 14 in Jakarta. They are: Bimo Petrus, Ukok Munandar Siahaan, Hendra Hambalie, and Yadin Muhididn. An activist and street singer living in Solo was reported missing in May. He was found dead in East Java on May 23. There were suspicions that he had been killed because of his political activities, like some other kidnap victims, he was a member of the PRD.

The National Human Rights Commission issued a statement on April 30, which reported that a "well organized group" had carried out the disappearances of the student and NGO activists, and concluded that there were strong indications that "elements" of the security forces were involved. Prior to that, Defense Minister/Armed Forces Commander General Wiranto had said that there was no order for armed forces personnel to kidnap persons and that the armed forces would help find those who were missing. On June 29, Wiranto revealed that the armed forces had identified several of their personnel who were "allegedly involved" in the kidnaping of activists and who "exceeded their authority." He added that the armed forces were working with the National Human Rights Commission and a local NGO in their investigation. On July 3, the armed forces revealed that their internal investigation had concluded that special forces personnel were involved in the disappearances but claimed that this resulted from "procedural errors" and excesses in violation of the law. Twenty soldiers had been questioned. On July 14, the military police announced that several special forces officers had been detained. The military police chief said that special forces members were involved in the kidnapings of eight activists who had already been released, plus one more (Andi Arief) who would soon be released. On August 3, Wiranto announced that an officers' honor council had been formed to question senior officers about the kidnaping and torture of activists. It would question Lieutenant General Prabowo, Major General Muchdi Purwopranjono, and Colonel Chairawan (former commander of "Group 4" within the special forces).

Despite admitting his involvement in the abduction of the nine activists who reappeared, General Prabowo was discharged honorably from the military, and as of year's end no legal action had been taken against him. Prabowo took no responsibility for the remaining activists who were still missing. The government-established joint fact-finding team, in its November 3 report on the May riots and rapes, urged that Lt. General Prabowo and all those involved in the abductions be brought before a military tribunal. It also stated that the judicial proceedings surrounding the disappearance cases should be speeded up. The other two officers investigated by the honor council were removed from active service. After being detained in July, 11 officers (none higher than major) and noncommissioned officers from the special forces went on trial on December 23 for their alleged involvement in the abductions of the nine student and NGO activists who already had been released. The torture that the detainees reported was not addressed in the trial, and it was asserted that these military personnel had acted on their own initiative without orders from above. Moreover, the trial has not addressed the possible killing of one abductee and the fact that at least 12 others still are missing.

There were numerous reports of disappearances in East Timor. In most, but not all, cases the missing persons turned

out to have been detained without notification to their families. Credible sources reported that two persons taken into military custody in November in the Alas area subsequently disappeared.

The Indonesian Council of Churches' investigation of the security forces' forceful breakup of a July demonstration in Biak, Irian Jaya, revealed the existence of 51 "mysterious" bodies. Some of the bodies showed signs of having drifted from the site of a tidal wave in Papua New Guinea, but others were clearly Irianese. A related investigation by a consortium of Irianese churches and NGO's listed 11 persons as missing following the incident.

The National Human Rights Commission continued to list 16 persons missing from the government-backed violent takeover of PDI headquarters on July 27, 1996. On August 12, it issued a statement that noted that the Commission's October 1996 recommendations regarding the July 27 incident had not received a full response from the Government.

Also in August, the National Human Rights Commission issued a preliminary report that found that 163 persons had disappeared in Aceh during 1989-91 and 1997-98. In October the fact finding team (see Section 1.a.) reported that there had been 475 disappearances in North Aceh between 1989 and 1998.

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 persons 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.

The Parliament in July approved a bill ratifying the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Several of the student and human rights activists kidnaped by the security forces (see Section 1.b.) testified publicly that they had been tortured during interrogation. The military court that convened in December to try 11 special forces personnel for the kidnappings did not take up charges of torture. General Prabowo, the son-in-law of former President Soeharto, who was in charge of the elite special forces at the time, admitted to a military honor board that he was responsible for these and several other abductions (see Section 1.b.).

Pius Lustrilanang testified publicly before the Indonesian National Commission on Human Rights on April 27 that his captors used electric wires attached to his feet to shock him as they asked him questions about the activities of various opposition figures. They also submerged his head in water so that he could not breathe and kicked and hit him. The torture and interrogation continued for the first 3 days of his captivity but not afterward. Desmon Mahesa said publicly on May 12, that on the first day of his captivity he had been tortured while asked questions about his political activities. His captors covered his eyes and handcuffed him to a chair. They applied electric shocks to his feet and head, and beat and kicked him. They forced him to immerse his head in water so that he could not breathe. Rahardjo Waluyo Djati on June 4 publicly recounted how he, too, had been beaten and subjected to electric shocks during his captivity. His kidnapers also made him lie on a block of ice. Faizol Reza testified on June 26 that during his captivity he had been subjected to a variety of abuse and torture, including beatings, the application of electricity to various parts of his body, burning by cigarettes, and sleep deprivation. He was asked questions mainly about his role in the People's Democratic Party (PRD).

A credible local human rights monitor reported that five people from Garut, West Java claimed to have been tortured in February when they were being held without a warrant by local military forces. They said that they had been stripped, slapped, kicked, choked, pistol whipped, immersed in water, abused verbally, forced to swallow bullets, and had their

hair pulled.

Twelve students questioned in May regarding the death of a police officer in Bogor were beaten by security forces and not permitted legal counsel during their questioning, according to local human rights monitors. Three of the students were accused in the death of the police officer, who allegedly was killed by a stone when he tried to intervene to help a colleague who was under attack by students. A forensic expert later publicly stated that the police officer had died of a heart attack rather than a blow to the head implying that the officer had not been attacked by students.

In August a preliminary report by the National Human Rights Commission (see Section 1.a.) found that 368 persons had been tortured in Aceh during 1989-91 and 1997-98. In October a fact-finding team reported 1,010 incidents of torture in North Aceh between 1989 and 1998 (see Section 1.a.).

In East Timor, military units and civilian paramilitary forces 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 often encounter difficulties in identifying and visiting detainees held in these military facilities. Many credible sources agreed that persons detained by the police in East Timor are beaten routinely while in the process of being detained. Following the fall of the Soeharto government in May, there were indications that security forces in East Timor were being more careful in their handling of detainees, and local human rights monitoring organizations reported that complaints of serious abuses had decreased. However, in November and December security forces' abuse of the civilian population during operations in the Alas and Bobonaro areas following attacks on security personnel in those locales was widespread.

In February security forces in Aceh detained a 7-month-old baby, Muhammad Ardiansyah, of Morong village, along with his mother Ainsyah. Ainsyah alleged that her captors suspended her baby by his legs and left him in the sun for several hours in order to force her to reveal the whereabouts of her husband, who they suspected of separatist activity. Ainsyah and her child later were released. In March Acehinese separatist Ishaq Dawood was handed over to Indonesian authorities in Malaysia and according to an international human rights organization was one of three accused separatists who were chained to inner tubes and dragged across the Strait of Malacca (see Section 1.a.).

There were instances where security forces responded with brutality to peaceful demonstrations, although they more frequently exercised restraint in the post-Soeharto era. On August 25, a group of 750 workers from a textile factory in Central Java, consisting mostly of young women, tried to march from a local human rights organization in Jakarta where the workers were holding a free speech forum to the local office of the ILO. When security forces attempted to push them off the street, a shoving match ensued, and security forces beat the demonstrators with rattan canes and kicked them until they retreated. As many as 19 demonstrators were injured. On June 12, approximately 400 security force personnel violently broke up a peaceful demonstration by East Timorese protesters at the Foreign Ministry in Jakarta. Upon being confronted and blocked by security forces, many demonstrators tried to break through the line of security forces and were beaten with batons and kicked. Some of the 180 persons arrested following the July 6 shooting of demonstrators in Biak reportedly were beaten in detention. Some shot in the course of the arrest were not afforded medical attention for many hours. On September 11, in Jakarta, security forces beat with rattan canes numerous Irianese among a group of approximately 40 demonstrators attempting to demonstrate near the Ministry of Defense and Security.

Although authorities allowed hundreds of student demonstrations to take place on campus between January and May, in numerous cases security forces violently stopped students from attempting to move their protests off campus. One example occurred in Central Java on May 8, when thousands of students and local residents gathered at a local university to participate in a demonstration calling for lower prices, political and economic reform, and Soeharto's resignation. When they tried to march off campus, security forces drove them back using rattan canes. When the demonstrators responded by throwing stones and Molotov cocktails, the police used tear gas, water cannons, and rubber bullets. Negotiations failed to halt the protest and police again attacked demonstrators with rattan canes, severely injuring hundreds.

On March 19, 400 to 500 security force personnel blocked the entry gate at Lampung University, preventing a student

demonstration of 2,000 to 3,000 participants from moving to another campus, according to a local human rights monitor. Either students or provocateurs threw rocks at the security forces, and the security forces responded by throwing rocks back. Security forces entered the campus, fired warning shots and tear gas, and dragged students into the street and beat them. Many students and several police were injured. On April 8, 1,000 to 2,000 students at Surabaya's Airlangga University were pushed back when they tried to leave campus by security forces using water cannon. Students responded by throwing stones at the security forces, and, when it appeared that security forces would attempt to enter the campus, the students laid down in front of advancing water cannon. Seventeen students reportedly were injured in the clash.

Student demonstrations intensified again in the months leading up to the mid-November special session of the People's Consultative Assembly (MPR). Unlike the pre-May period, most demonstrations occurred off-campus. Security forces permitted a great many of the street demonstrations to occur and in many cases did not resort to violence. However, there were numerous cases where security forces violently dispersed demonstrations, and several resulted in fatalities to students and a few security forces personnel (see Section 1.a.). For example, on September 8, security forces broke up a student demonstration at the Parliament. They injured several students, including two who reportedly were stabbed with combat knives. This incident appears not to have been investigated, and no one has been held accountable. On September 14, a group of students attempted to stage a demonstration in front of the Defense Ministry, but they were beaten by security forces as they attempted to get out of their buses and were forced to retreat.

The period surrounding the November MPR session was especially violent. It was complicated by the decision of government and military authorities to organize thousands of civilians, many of them armed with sharpened bamboo sticks and other crude, but dangerous weapons, to assist in providing security for the MPR session. On November 10, the opening day of the MPR, thousands of student demonstrators and hundreds of progovernment counterdemonstrators took to Jakarta's streets. Although a tense standoff ensued, violence was limited mostly to stone throwing.

On November 11, demonstrators and security forces cooperated through much of the day to avoid violence and confrontation. However, during a standoff that ensued after students were stopped by security forces as they attempted to march to the parliament building where the MPR was taking place, one student's car went out of control and careened into security personnel, injuring nine security officers. Security forces reportedly assaulted three journalists on the scene as well as two female students.

On November 12, the situation became more violent when security forces used water canon, tear gas, and batons to disperse a crowd that had gathered outside the Parliament to protest against the MPR. During a separate altercation also on November 12, security forces fired upon students who were trying to break through security lines and reach the Parliament.

On November 13, the violence peaked when over a 10-hour period security forces fired on and beat students who were part of a demonstration at Atma Jaya University, whose campus is located less than 2 miles from the parliament building where the MPR was being held. At least nine demonstrators, mostly students, died of gunshot wounds and severe beatings. One member of the security forces died as a result of a beating by demonstrators and several other security force members were injured and were hospitalized. Hundreds of student and nonstudent demonstrators were hospitalized, many with gunshot wounds, presumably caused by rubber bullets. Live ammunition accounted for the injuries of most of those demonstrators who were killed. Four journalists also were injured including one who was shot. A member of the security forces approached this journalist and shot him at very close range with rubber bullets, wounding him in the kidney area (see Section 1.a.). In a separate incident on November 13, four progovernment demonstrators were also killed when they were beaten to death by civilians.

Following the November MPR session, students continued to demonstrate, but mostly in smaller groups. Several demonstrations ended violently. On December 19, security forces injured up to 17 student protestors after they refused to stop a demonstration near President Habibie's residence. A police official referred to the recently passed law on demonstrations that requires 3-days advance notice of a demonstration (see Section 2.b.). The official was quoted as saying that "we had the right to disperse them." Thirty-three demonstrators were detained. Another clash between students and security force occurred on December 17 near the Parliament. Students had reacted with violence when

ordered to disperse by the security forces, and the security forces responded in kind. Up to 80 students and 14 members of the security forces reportedly were injured."

In May violent unrest erupted in Jakarta and other cities. It included massive looting and burning, especially of commercial areas, and the ethnic Chinese community was a particular target of the violence. The National Human Rights Commission issued a statement on June 2, in which it concluded that the security apparatus did not take action to stop the unrest from spreading and failed to take sufficient preventive action to stop it from beginning. According to government sources, 499 people died during the unrest, many of them purportedly looters who became trapped in stores that were being burned. However, the National Human Rights Commission, stated in its June 2 statement that it had received a report listing 1,188 deaths and 101 persons injured.

Local human rights monitors charged that between May and early July, 168 women were the victims of rape or sexual abuse, 152 from Jakarta and 16 in Solo, Medan, Palembang, and Surabaya. In a July 8 statement, the National Human Rights Commission found that during the rioting that took place May 12-14 and afterward in Jakarta and other cities it had been "unequivocally ascertained" that "widespread and repeated rape of a particularly inhumane nature occurred, perpetrated by brutal gangs successively in Jakarta and other cities." It was carried out in a "systematic manner" and focused on ethnic Chinese women and girls. The Commission noted in particular that some rapes occurred in front of the families of victims. The Commission found that there was a uniform "modus operandi" in the way that the rapes were carried out. It stated that the security vacuum during the initial days of the unrest indicated the neglect of state responsibility, which could have permitted the sexual violence to occur.

Two months after the May unrest, the Government established a joint fact-finding team to investigate the May riots and rapes. It was made up of representatives of the military, the National Human Rights Commission, other government agencies, and NGOs, and the vice chairman of the National Human Rights Commission was elected as its chairman. It was given 3 months to complete its work. However, after its establishment, military and police officials began questioning publicly whether rapes had taken place or whether the reports had been exaggerated, and threatened prosecution of anyone who made exaggerated claims. Team members complained that these threats impeded their investigation by intimidating witnesses and victims.

On November 3, the joint fact-finding team issued its report on the May riots and rapes. The report concluded that there had been 52 rapes, 14 rapes accompanied by other violence, 10 instances of sexual attacks, and 4 instances of sexual harassment in Jakarta, Medan, and Surabaya in connection with the May riots. The majority of the victims were Sino-Indonesian women. It also concluded that sexual violence had occurred before and after the May riots and that the May 13-15 riots were a culmination of a series of violent events, such as the Trisakti shootings and the disappearances. Moreover, according to the team's report, while some of the rioting was local, sporadic, limited, and spontaneous, it was "assumed" that other riots were created as part of an "elite political struggle." Many different parties reportedly were involved, including local hoodlums, mass organizations, and elements of the armed forces. The team criticized the armed forces for failing to take preventive action or steps to stop the riots once they began. The team also found that it was not yet clear whether the sexual violence was premeditated or an excess of the rioting, but it charged that the riots were part of an effort to create an emergency situation that would allow authorities to assume extraconstitutional powers and that the highest level of decisionmakers had been involved in planning the violence. It called on the Government to conduct further investigation into the root causes of the riots and to investigate a meeting at KOSTRAD headquarters on May 14 that involved Lt. General Prabowo and other parties. Following a meeting between President Habibie and government representatives of the joint fact-finding team in late December, the Government accepted the findings on the numbers of rapes but by year's end had left many of the other issues raised in the report unanswered.

The Government continued to maintain an unjustifiably high military presence in East Timor, totaling more than 16,000 personnel. In July the Government made a highly publicized withdrawal of some 1,000 troops from East Timor, but there did not appear to be an overall reduction in troop levels; some unconfirmed but credible information indicated that troop levels actually significantly higher than the Government had stated. The Government, as it does elsewhere, also relied on bands of youths, organized and directed by the military, to intimidate and harass its opponents. Civilian paramilitary groups frequently were involved in human rights abuses. Human rights monitoring organizations reported that several East Timorese women were raped by Indonesian security or civilian personnel during the year. Cases of

East Timorese women allegedly raped by soldiers in previous years remained unresolved.

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 is transferred from police or military intelligence (BIA) custody into the civilian prison system or into the custody of the Attorney General. Credible sources report that criminal prisoners in some facilities are beaten routinely and systematically as punishment for infractions of prison discipline and to extract information about developments within the prison. Punishments include use of electric shock batons and stapling of the ears, nose, and lips. Political prisoners sometimes were mixed with the general prison population. Political prisoners in the Cipinang, Salemba, and other prisons tend to be segregated from the criminal population and generally receive more humane treatment. In East Timor, some 83 prisoners in Dili reportedly suffered severe food poisoning in June and dozens were hospitalized.

Special arrangements for foreign dignitaries to visit some prominent political prisoners sometimes were made, including allowing a foreign parliamentarian to enter Cipinang prison in Jakarta and visit all political prisoners there. Imprisoned East Timorese resistance leader Xanana Gusmao received a large number of high-level foreign visitors and held frequent meetings with the press. Human rights monitors also have visited some nonpolitical prisoners, although this appears to be permitted on a case-by-case basis.

The ability of the ICRC to visit prisoners varied over the course of the year (see Section 4).

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 also may 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 rarely, if ever, are 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 persons being detained without warrants, charges, or court proceedings. This is also true in Aceh. Bail rarely is granted, especially in political cases. 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. In November the Government formed a new, separate "Council for the Enforcement of Security and Law" headed by the President but run by the Armed Forces Commander. Made up of members of the Cabinet, security and intelligence officials as well as the heads of five religious councils, its stated mission was to control and coordinate efforts to resolve crises threatening national stability. It is reported to be advisory in nature, rather than operational.

Security forces broke up numerous demonstrations and meetings and detained participants (see Sections 1.a., 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, arbitrary detentions were a continuing problem.

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. 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, which 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.

A panel of judges conducts trials at the district court level, poses questions, hears evidence, decides guilt or innocence, and assesses punishment. Initial judgments rarely are 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 generally are unwilling to testify against the authorities. The courts commonly allow forced confessions and limit the presentation of defense evidence. 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 subsequently can 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 often are 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 the 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, or deny legal remedy to, political activists and government critics. By the beginning of May, the Government tried, convicted, and sentenced to time served most of the 122 members of the "Red and White Front" who were arrested in February for holding a peaceful march. It also initiated legal action against three members of "The Voice of Concerned Mothers." However, the Government dropped charges against these three during President Habibie's first week in office. Ratna Surampaet and four other persons who had been arrested while holding a peaceful demonstration on March 10 were tried, convicted, and sentenced to time served (see Section 2.b.). The Government released Muchtar Pakpahan and Sri Bintang Pamungkas from prison in May and subsequently ceased legal action against them. However, the Supreme

Court proved incapable of providing redress for Megawati Soekarnoputri; it ruled that the Government's transparent manipulation of the PDI leadership structure in 1996 was an internal party matter. Therefore, Megawati could not bring suit against government officials, only the government-installed PDI leadership. The trial of Loir Botor Dingit, a prominent defender of Dayak land rights in East Kalimantan concluded in November, when charges against him were dismissed. The trial involved Dingit's attempt to gain compensation for the alleged destruction of Dayak crops and sacred sites in a 1993 logging operation by a timber corporation. Dingit was charged with forgery and perjury due to his alleged listing of some deceased individuals as those who had lost land. The charge ignored traditional law, which records land ownership in the name of the deceased. The trial session required 30 hours of travel from Dingit's remote home, disrupting his activities in defense of traditional land rights.

The Antisubversion Law carries a maximum penalty of death (although this has not been invoked in recent years), and the law 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 that 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 persons merely for peaceful expression of views contrary to those of the Government. Many prisoners are serving sentences for subversion, including alleged members of the banned Communist Party of Indonesia (PKI), Muslim militants, and those convicted of subversion in Irian Jaya, Aceh, and East Timor. Other persons 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. The MPR passed a decree at its November special session that included a provision calling for the revocation of the Antisubversion Law and its replacement with a law on national security. The Minister of Justice said publicly that the Government would submit legislation in 1999 to revoke the Antisubversion Law.

Since assuming office, President Habibie has released political prisoners, although he has taken a gradual approach, and many of the most high-profile political prisoners remain in jail. Prisoners and others claim that Habibie is using prisoner releases at selected moments to curry favor with foreign governments, thus treating the prisoners as if they were hostages. Independent labor leader Mughtar Pakpahan, former Member of Parliament Sri Bintang Pamungkas, Nuku Suleiman (chairman of the NGO PIJAR), and Andi Syahputra, a member of the Independent Association of Journalists (AJI) were released in May. In June seven political prisoners in East Timor were released, in addition to activist Coky Aritonang and eight East Timorese detainees. In July the Government released prisoners belonging to or affiliated with the PRD, 36 members of a paramilitary group who had been arrested in East Java in 1997, 2 persons who had been convicted for subversion in the Tasikmalaya unrest that occurred in 1996, and 2 members of AJI who were already on probation. It also stopped legal action against Aberson Marle Sihalolo, a former Member of Parliament from the PDI, and Rachmad Buchori, the private secretary to a writer whose books have been banned. In August in conjunction with Indonesian Independence Day (August 17), the Government freed 27 more political prisoners, including 3 who were alleged to have had ties to the PKI, alleged separatists from East Timor (6), Aceh (9), and Irian Jaya (3), as well as 6 from Lampung who had been involved in a clash with government forces. Some of these releases came as the result of accumulated sentence remissions. The Government also set aside the convictions of four dissidents. On December 31, the Government freed 43 more political prisoners and rehabilitated the citizenship and job status of 26 others who previously had been released. The 43 included prisoners from East Timor, Lampung, and Aceh.

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. They also are required to have official permission to change their place of

residence. The requirement that "E.T." ("Ex-Tapol" or political prisoner) be stamped on the identification cards of these prisoners was ended officially in 1995, although in practice it continued in use in many cases. At least some individuals who had E.T. stamped on their identity cards were able to have the stamp removed. This stamp has been one of the methods the Government has used to monitor the activities of these people, allowing the Government and prospective employers to identify alleged former PKI members, thereby subjecting them to official and unofficial discrimination. Even when the stamp has been removed, these former political prisoners continue to face discrimination and restrictions on employment.

The Government's transmigration program moves large numbers of people from overpopulated areas to more isolated and less developed ones. It also is used to resettle local populations within East Timor and Irian Jaya. However, plans to revive the program, after several years during which the Government reduced its support for it, fell victim to the economic crisis. The Minister of Transmigration, during the brief seventh Soeharto Government, said publicly that the Ministry of Transmigration would focus its efforts in 1998 on improving conditions at existing transmigration sites rather than on developing new ones. The Minister also said that the Government would try to settle numerous disputes between transmigrants and local residents at scores of resettlement sites where there was disagreement between transmigrants and local landholders over land rights and other issues. Human rights monitors state that the program violates the rights of indigenous people and dupes some transmigrants into leaving their home villages without any means of return. Human rights activists also have claimed that a number of those resettled are persons who have been forced off lands that are coveted by developers who have collusive arrangements with the Government and/or security forces. Conditions at some sites are life threatening with inadequate measures to protect the transmigrant population against diseases endemic to the 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 parts of Kalimantan, led to resentment among indigenous populations, whose members believed that their rights were infringed upon and that they were being discriminated against by virtue of the disbursement of development funds to those who were in some cases their newly arrived economic rivals (see Section 5).

The Government prohibits the import of Chinese-language publications (see Sections 2.a. and 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 maintained some serious restrictions and monitoring continued; however the Government did markedly increase its respect for this right, especially in the latter part of the year. Freedom of speech improved significantly, as sensitive issues were discussed and dissenting opinions were expressed at public demonstrations, seminars, and in statements to the press.

The Government in June revoked the 1984 decree allowing the Minister of Information to cancel press publication licenses. The Government had used this decree to control the press in practice. The Government also simplified the licensing procedure for starting a publication. However, the Government issued a new decree in which it retained the right to suspend publishing licenses for an unspecified period of time, provoking objections from the Association of Indonesian Journalists (PWI) and the Association of Indonesian Publishers (SPS). Other means of control include regulation of the amount of advertising permitted and of the number of pages allowed in newspapers.

In the first 5 months of the year, public criticism of the Government intensified, and the press carried it more openly. However, the Government still made attempts to rein in the media; in March the Government announced that it would take the magazine *Detektif dan Romantika* to court because of a cover depicting then-President Soeharto as the king of spades. The magazine's editor already had been forced to apologize to the Government. In May then-President Soeharto publicly condemned the print and electronic media for waging a "psychological war" on Indonesia in the way that it was portraying the Indonesian economy. Some journalists covering student demonstrations in May reportedly were subjected to intimidation by authorities. Two foreign journalists who were filming a May 6 clash between students and security authorities in Jakarta reportedly were stoned and fired upon by police but escaped uninjured. A foreign

journalist who was filming security forces firing into a crowd in Medan was seized and threatened with a pistol.

Following Soeharto's resignation, press freedom improved significantly, and there were few signs of the self-censorship that had pervaded reporting in the past, even on subjects known to be sensitive to the Government. Although the English-language press was more forward in the move toward openness, the Indonesian-language press was not far behind. Attempts by authorities to direct local journalists and editors on what they should print apparently have diminished significantly.

President Habibie's public discussion in July of the need for journalists to obtain licenses, in order to insure that they were qualified professionally, raised concerns that the Government might try to rein in the new found press freedom. However, no action was taken to implement this proposal.

The electronic media also became more open, although it remained more cautious in its coverage of the Government than the print media. Well before Soeharto stepped down, television news reports became more substantive. For example, the private television stations began broadcasting film footage of student demonstrations in the weeks before Soeharto resigned. Live television coverage of the May 13 funerals of students shot at Trisakti University, and coverage afterward, of the trial of two of the security force personnel accused of the shootings helped focus public attention on this issue. The Government operates a nationwide television network with 12 regional stations. Private commercial television companies, most with ownership by, or management ties to, the former president's family, continued to expand. All are required to broadcast government-produced news, but they all also produce news and public affairs programming independently. Journalists at a private television station publicly charged that the Government was using an outstanding debt held by the station as an opportunity to take over the station and control its new programming policy and to remove the news director who was a government critic. The Government rejected this argument. By year's end, the station remained in private hands, with the management unchanged.

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 to receive a broadcasting license. The government radio station produces the program "National News." The new regulations issued by the Government in June reduced the number of these government broadcasts that a private station must run per day from 14 to 4. These broadcasts are relayed throughout the country by private stations and 53 regional affiliates of the government network. The new regulations allow private stations to produce their own news programs and many are doing so. Moreover, "talk radio" call-in programs regularly address political and socioeconomic 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, and the Government announced in July that the International Herald Tribune and the Asian Wall Street Journal would be permitted to print in Indonesia. Both subsequently began publication during the year. The authorities have delayed distribution of publications by a day or more, although this is rare. The Government restricts the import of Chinese-language publications (see Sections 1.f. and 5).

The Government 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; the Government now grants increased access to East Timor to foreign journalists. The local press in Aceh is tightly controlled. A foreign journalist was ordered to leave the country in March because the journalist allegedly brought other journalists into a session of the MPR without permission. In November Canadian journalist John Stackhouse was deported shortly after his arrival in the country, reportedly because of articles he had written about East Timor in 1997.

The Government requires a permit for the importation of foreign publications and videotapes, which must be reviewed by government censors. There is a significant amount of materials that bypasses customs and censorship procedures.

Most books by the prominent novelist and former political prisoner Pramoedya Ananta Toer are banned, though some

were in circulation. In May the Government banned a book by Soebadio Sastrosatomo for allegedly discrediting then-President Soeharto.

Following the November 13 shooting of students, authorities questioned numerous government critics in connection with possible charges of treason; most had signed a statement on November 12 calling for cancellation of the special session of the MPR and the creation of an interim government in advance of new elections.

While the law provides for academic freedom, constraints exist on the activities of scholars. There was an increase in political activity and discussions at universities during the year.

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 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 East Timor, several large demonstrations and free speech forums were held without government interference. East Timor related demonstrations and unprecedented public discussions also took place in Jakarta. Most were peaceful, but in June a demonstration by East Timorese students at the Department of Foreign Affairs was dispersed with excessive force by security forces (see Section 1.c.).

In the period prior to the March reselection of President Soeharto, security forces intervened to stop many meetings and peaceful demonstrations of dissidents and reform advocates. In February Jakarta police warned that political protests would not be tolerated and that political demonstrators would be charged under an emergency decree from 1963 related to illegal political activity. Those arrested would face a maximum sentence of 5 years in prison. The national police also warned the public that no political activities involving large numbers of people should be held between February 22 and March 18, a week before and after the March 1-11 general session of the MPR. In addition, although thousands of students were allowed to stage daily political demonstrations in the months prior to the MPR and afterward, their activities in large part were restricted to campuses. Military and government officials warned students that they should confine their demonstrations to their campuses and explicitly instructed students not to take their protests off campus. The Education Minister later tried to ban demonstrations on campus, though his move was in practice ignored by rectors charged with enforcing the order.

In February security authorities arrested approximately 150 members of the Red and White Front who were conducting a peaceful march in Jakarta. Subsequently, 122 persons were held and charged in accordance with the 1963 emergency decree relating to illegal political activity and sections of the Criminal Code related to refusal to move from a public place. They filed suit against the police, and the opening session of their trial was postponed when the police failed to release them from detention so that they could attend the hearing. Security authorities detained a delegation from the Indonesian Committee for the Global March against Child Labor following the delegation's meeting with the Department of Manpower. Fourteen of the activists were held overnight and then released.

Security forces arrested three of about a dozen members of The Voice of Concerned Mothers who staged a protest in the center of Jakarta against rising prices, especially of milk. The three persons arrested were Karlina Leksono, Indonesia's first female astronomer, Gadi Arivia, a university lecturer, and Wilasih Noviana. The police stated that the demonstration had been stopped because it was unauthorized and the three were charged under an article of the Criminal Code, which bans demonstrations without a permit. The three were released the following day but faced trial on March 4. On March 9, the court levied a small fine on the three.

In March security forces broke up a peaceful, public meeting of activists in a north Jakarta park. Nine persons were arrested without a warrant, including actress Ratna Sarumpaet, Ging Ginanjar, Adi Hermawan, Alexius S. Fathom Saulina, Bonar Tiro Naispospos, Aspar Paturisi, Wira Kusuma, and Joel Thaer. On March 10, Sarumpaet and four others were sentenced to time served, 2 months and 10 days each, for ignoring a police order to halt a meeting and were

released. Also in March security forces broke up a small peaceful demonstration held by activists calling for the release of labor leader Muchtar Pakpahan and protesting against high prices. Four persons were arrested for conducting an unauthorized demonstration. Others were arrested from the group the night prior to the demonstration. Four members of the group were put on trial, but they were released following President Habibie's assumption of office in May.

Security authorities allowed students to carry out huge demonstrations at the Parliament complex beginning on May 18. The protests numbered up to 30,000 participants at their peak and helped lead to the resignation of President Soeharto on May 21. The military forced the students out of the Parliament early on the morning of May 23 without violence.

The authorities did not stop many demonstrations on a variety of issues that took place on a daily basis in the weeks following Soeharto's resignation. However, it took a strong position, against some demonstrations and gatherings. A large contingent of security forces physically prevented a large-scale procession to the Parliament by the independent Indonesian Prosperity Trade union (SBSI) in late June. The Government refused to allow Megawati Soekarnoputri to hold a large public gathering at Senayan sports stadium in Jakarta to commemorate the second anniversary of the July 27 incident, a government-assisted forcible takeover of PDI headquarters. However, she was able to hold a peaceful event at her home, which was attended by many thousands of persons. Demonstrations by students and nonstudents intensified in the weeks before the November 10-13 special session of the MPR. A majority were permitted to take place by authorities and occurred without incident. However, several ended violently, especially on November 13 when security forces fired on and killed demonstrators (see Sections 1.a. and 1.c.). Following the MPR, demonstrations continued, although most were consisted of smaller groups.

In addition, the Government issued a controversial decree at the end of July that required a police permit for demonstrations by more than 50 persons, prohibited demonstrations in front of the presidential palace, military facilities, places of worship, hospitals, public transport centers, and other important public areas. After a great deal of protest, the Government rescinded the decree on August 13, deciding instead to submit it in substance to the Parliament for passage into law. On September 11, using emergency rules to allow it to be passed more quickly as a government regulation rather than a bill, the Government introduced the measure to the Parliament. Opposition both inside and outside the Parliament grew, and the Government was forced to withdraw the proposed regulation on September 29 and to submit it again as a proposed law with several key areas revised to meet popular demands. The DPR passed the bill on October 22. In its final form, the law on freedom of expression dropped the requirement for a permit to hold a demonstration. It required instead that demonstrators notify the police 3 days in advance and appoint someone accountable for every 100 demonstrators. It also dropped a controversial clause that would have required the media to obtain a police permit to cover demonstrations. The restriction on demonstrations near specific sites was retained. This new law was enforced unevenly. Numerous student demonstrations continued to be held in Jakarta and around the country after the law was enacted. However, in some cases authorities invoked the new law. For example, on December 16 over 50 student demonstrators were detained briefly for allegedly holding a protest without giving 3 days' advance notification. A prominent economist was called in by the police on November 30 and questioned about November 14 student demonstrations at the Parliament. A police official was quoted in the press as saying that the gathering had been illegal under the new law because the participants had not notified the authorities 3 days in advance.

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 that it believes to be acting against Pancasila and requires prior government approval for any organization's acceptance of funds from foreign donors. A court on August 10 declared the 1997 Home Affairs Ministry decree banning the PRD illegal.

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 generally are 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 on occasion it has dissolved such groups.

High-level officials continued to make public statements and emphasize by example the importance of respect for religious diversity. However, lower level officials frequently were alleged to be reluctant to facilitate and protect the rights of religious minorities. Minority houses of worship particularly have been targeted for damage or destruction during riots (see Section 5). Attacks against minority houses of worship and the lack of an effective government response to punish perpetrators and prevent further attacks led to allegations of official complicity in some of the incidents.

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. Persons from religions outside the five accepted religions have difficulty having their marriages recognized officially.

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 persons barred either from entering or departing the country from a publicly announced figure of 8,897 "blacklisted" persons 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. Although former political prisoners associated with the abortive 1965 coup are no longer officially required to carry the stamp E.T. on their identity cards, in many cases the stamps have not been eliminated in practice (see Section 1.f.). Among other restrictions, some former prisoners are still required to obtain permission if they want to move. Authorities reportedly imposed a 1-year travel ban on four individuals who were being investigated for treason in connection with the November 13 incident (see Sections 1.a. and 1.c.). Most had signed a statement on November 12 calling for the cancellation of the MPR and an interim government in advance of elections, and one allegedly had been present at

student demonstrations and addressed protestors.

In past years, the Government offered first asylum to over 125,000 Indochinese boat people. The Galang Island camp was closed in 1996 as the last remaining asylum seekers were repatriated. However, some 14 persons remain who are awaiting a resettlement opportunity in another country. The Government has not formulated a policy regarding asylum seekers, but in practice it has respected the principle of not returning asylum seekers to the country from which they had fled. While the law lacks provisions for dealing with refugees/asylees in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the Government cooperates with the U.N. High Commissioner for Refugees, which maintains a regional office in Jakarta. There were no reports of the forced return of persons to a country where they feared persecution, but during the year there was a substantial increase in the number of refugees and asylum seekers placed in detention pending deportation.

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

Citizens have not had the ability to change their government through democratic means. President Soeharto never faced an electoral challenge. The 1,000-member People's Consultative Assembly that reelected him unanimously to a seventh term as President on March 11 is constitutionally the highest authority of the State. It has met every 5 years to elect the president and vice president and to set the broad outlines of state policy. President Soeharto and his Government effectively controlled the MPR. Soeharto resigned from office on May 21 under pressure from student activists and the parliamentary leadership. B.J. Habibie--his handpicked Vice President, long serving Science and Technology Minister, and intimate adviser--replaced him, and nearly two-thirds of the Soeharto Cabinet was carried over into the new Government. Since Soeharto resigned in May, many Soeharto loyalists in the MPR were replaced before the November special session by members with ties to President Habibie and the new leadership of Golkar. Five hundred members of the MPR come from the Parliament (DPR), 425 of whose members were elected in the May 1997 general election (up from 400 elected members in 1992). Another 500 members of the MPR are representatives, regional representatives, and representatives of societal groups. The Soeharto government reportedly had great influence over the selection of the majority of these additional 500 delegates. The remaining 75 members are military appointees to the DPR.

President Habibie pledged to hold a general election for parliament in the spring of 1999, to be followed by an MPR session to elect a president and vice president at the end of 1999. The Government and the Parliament agreed that the date of the election for parliament would be June 7, 1999, and that the selection of a new president and vice president by the MPR would take place in November 1999. There has been public pressure to move forward the date for the selection of the president and vice president. The Habibie Government drafted new legislation setting out regulations governing the election, political parties, and the organization of the DPR and MPR and sent it to the DPR in September. At year's end, the Parliament still was deliberating these three bills.

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 occupies numerous key positions in the administration and holds an unelected 20 percent of the seats in provincial and district parliaments. The other 85 percent of national and 80 percent of regional 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. In past elections voters chose by secret ballot between the three government-approved political organizations, which fielded candidate lists in each electoral district. Those lists were screened by BAKORSTANAS, which determines whether candidates were involved in the abortive 1965 coup or pose other broadly defined security risks. Critics charge that this screening is unconstitutional, since there is no way to appeal the results, and note that it can be used to eliminate critics of the Government from Parliament. Strict rules established the length of political campaigns, access to electronic media, schedules for public appearances, and the political symbols that could be used.

The Government has permitted formally only three political organizations to exist and contest elections. Following Soeharto's resignation, President Habibie did not stop new parties from forming. However, his Government did not recognize them pending the passage of a new law on political parties, which was still before Parliament at year's end. The largest and most important of the recognized parties has been GOLKAR, a government-controlled organization of

diverse functional groups. During his tenure, President Soeharto strongly influenced the selection of the leaders of GOLKAR, of which he was the senior leader. GOLKAR has eliminated the Board of Patrons through which Soeharto previously had exerted control over the party. With the assistance of the armed forces, President Habibie backed the successful candidacy of the new GOLKAR General Chairman, who is also the State Minister/State Secretary, one of the most powerful positions in the Cabinet.

GOLKAR traditionally has maintained close institutional links with the armed forces. Following Soeharto's resignation, the armed forces stated publicly that they would no longer be involved directly in the affairs of GOLKAR or back the ruling party in future elections. Despite this statement, the armed forces played a prominent role in the victory of President Habibie's candidate for GOLKAR Chairman in July over a former minister of defense. In December Armed Forces Commander Wiranto publicly announced that the armed forces intended to remain neutral during the election. GOLKAR also has close institutional links with KORPRI, the association to which all civil servants automatically belong. In practice, civil servants have been compelled to support GOLKAR, even though they were able to join any of the political parties with official permission. 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), were not considered opposition parties, and, along with GOLKAR, are required by law to embrace the state ideology of Pancasila. The PPP, however, became more independent during the year adopting Islam as its organizing principle and opposing GOLKAR proposals in the DPR. These smaller parties have not been permitted to maintain party offices below the district level, placing them at a disadvantage to the government-supported GOLKAR. Government authorities closely scrutinize and often guide the activities of the three political organizations. Party leaders may recall members of the DPR and the provincial assemblies from office.

During Soeharto's new order, the DPR was limited to considering bills presented to it by government departments and agencies but did not draft laws on its own, although it had the constitutional authority to do so. The DPR made technical, and occasionally substantive alteration to bills that it reviewed, including changes that reflected the interests of outside groups. In the immediate post-Soeharto era, the DPR appeared to have a much stronger role in the consideration of legislation. For example, it was considering making significant changes to the Government's draft of three political bills. In September and October, objections from the public and from within the DPR helped convince the Government to withdraw and resubmit with revisions legislation related to demonstrations (see Section 2.b.). The DPR also initiated an antimonopoly bill.

While the DPR has been subordinate to the executive branch, its leadership played a major role in requesting the resignation of President Soeharto in May. It also has been 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, and the DPR complex (which is also where the MPR meets) was the site of large antigovernment demonstrations in May, November, and December, as well as other times during the year.

While there are no legal restrictions on the role of women in politics, they are underrepresented in government. The May 1997 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 36 ministers are women.

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

Although still subjected to monitoring by and interference from the authorities, domestic human rights organizations were extremely active in pressing the Government to improve its human rights performance. They pushed for government investigation of human rights abuses, including the kidnaping of activists by security forces, acted as defense counsel in political trials, advocated the release of political prisoners, sought to offer assistance to the victims of human rights atrocities, and urged improvements in government policies and legislation. Numerous respected NGO

representatives became members of a government-established commission investigating the May riots and rapes.

The Government generally considers outside investigations or foreign-based criticism of alleged human rights violations to be interference in its internal affairs. It emphasizes its belief that the linkage of foreign assistance, or other sanctions, to its human rights observance constitutes interference in its internal affairs and is therefore unacceptable.

ICRC access to political prisoners in East Timor improved over the course of the year, with the ICRC generally allowed access to prisoners that it could identify as being detained. Earlier in the year it had been denied access to some detainees. Generally, ICRC prisoner access in East Timor in some cases was limited with regard to the confidentiality of communication with those detained. ICRC requests for access to political prisoners elsewhere continued to meet with mixed success. In December ICRC was allowed to visit areas of northern Irian Jaya where a number of persons were reported either missing or in custody following political demonstrations in early July. An ICRC program of food and medical assistance in the south central highland area of Irian Jaya continued until July, but it was not extended despite ICRC offers to continue it. The ICRC was allowed to visit prisoners and others detained by security forces in Aceh beginning in May after having had to cease operations in Aceh since March 1997. However, the Government objected to the ICRC's opening of an office in Aceh, where it is working with families of those killed or missing due to security force activities against separatists. It ultimately was allowed to operate an office in conjunction with the Indonesian Red Cross. Cooperation by civilian and military officials in Aceh and at the central government level, generally was good. Elsewhere, the ICRC was able to visit prisoners convicted of involvement in the violence of 1965-66, convicted Muslim extremists, and East Timorese, as well as other political prisoners outside of East Timor, Aceh, and Irian Jaya. The ICRC was not able to play a significant role in the matter of the kidnaping, extrajudicial detention, and torture of political activists by security forces, although it made known to the Government its willingness to be of humanitarian assistance in these matters.

The Government-appointed National Human Rights Commission, in its fifth 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. It employs persuasion, publicity, and moral authority to highlight abuses, to make recommendations for legal and regulatory changes, and to encourage corrective action. The Government appointed the Commission's original chairmen, who then appointed the other 24 original commission members. The Commission selected a new chairman and six replacement members in December.

Throughout the year, the Commission consistently became involved in the most difficult human rights issues, including the disappearance of activists, the Trisakti shootings, the May riots and rapes, reports of mass graves in Aceh, violent action against protestors in Irian Jaya, the situation in East Timor, and a spate of killings in Banyuwangi, East Java. The Commission was able to issue highly credible public reports or press statements that carried significant weight in informing public opinion.

The Government ignored some Commission findings or, in some instances, moved lethargically in reaction to them. The Commission issued a report that clearly stated that rapes of ethnic Chinese women occurred during the May riots and called for the establishment of a national investigative commission. President Habibie publicly acknowledged the rapes, and the Government in July set up an investigation commission. However, in August high-level military officials began questioning publicly whether any rapes had taken place. In 1995 the Commission identified six cases of ABRI abuse of indigenous people in Irian Jaya, involving a number of deaths and rapes; only one extrajudicial killing was ever brought to trial, and the Commission requested follow-up action in 1997. The Government made no further response to the Commission's October 1996 report on the July 27 incident.

The Commission opened an East Timor branch in 1996, which was widely regarded as a positive step in the effort to address and resolve human rights abuses there. However, the office limited itself to dealing only with nonpolitical cases and was located next to the local military headquarters. It therefore had little impact with regard to the more serious human rights problems in East Timor. However, in July a respected East Timorese was appointed director of the office.

The MPR passed a decree on human rights at its November special session, which called on government institutions

and officials to respect human rights and for the ratification of international human rights agreements (not in violation of the state ideology Pancasila or the Constitution). It also mandated that a human rights commission be established by law (the current Commission is established by presidential decree only). Such legislation is in preparation within the Government, and Commission members have discussed publicly the goal of strengthening the Commission's investigatory authority (e.g., the authority to summon witnesses).

Parliamentary delegations visited Aceh and Irian Jaya to investigate reports of human rights abuse. In August the Government signed a memorandum of understanding with the United Nations High Commissioner for Human Rights (UNHCHR) regarding "cooperation in the development and implementation of comprehensive programs for the promotion and protection of human rights in Indonesia," which is understood to include the assignment of a UNHCHR program officer to Jakarta, who would have access to East Timor and all other parts of Indonesia. The U.N. Special Rapporteur for Violence Against Women visited Indonesia during the year.

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 MPR) explicitly states that women have the same rights, obligations, and opportunities as men. However, 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 rarely is 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 frequently is 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 unless a woman goes immediately to the hospital for an examination that produces physical evidence of rape, she can not bring charges. A witness also is 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.

Women's advocates believe that domestic abuse increased during the year as an indirect result of the economic crisis. Like rape, domestic violence is believed to be seriously underreported. In December a women's rights NGO estimated that only 15 percent of domestic violence incidents are reported. 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. In June the Government, in consultation with women's NGO's, established a National Commission on Violence against Women. The Commission's mandate is to improve and coordinate government and NGO efforts to combat violence against women and to provide assistance to victims. There are only a few women's crisis centers 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 1997, runs a 24-hour hot line and a temporary shelter for abused women. Training of counselors for another Jakarta crisis center, called Speak, is under way.

Serious charges emerged in the early summer that 168 ethnic Chinese women and girls were targeted systematically for rape and sexual abuse during the civil disturbances of May 12-14. The allegations were given credence by the National Human Rights Commission, a government-sponsored body, which issued a preliminary report in July charging that rape of ethnic Chinese women and girls was carried out in an organized and coordinated manner over a 3-day period in Jakarta and several other major cities. The allegations have been challenged by police and military officials. In November the government-appointed fact-finding team, which included official and NGO representatives, issued its report, verifying 85 reports of violence against women during the riots, including 66 rapes. The team stated that the number of incidents probably was higher but that intimidation against witnesses and victims, as well as the reluctance of some victims to report the attacks, had prevented the team from documenting more attacks.

Harassment is not a crime under the law, only indecent behavior. However, sexual harassment charges can damage a civil service career. The law reportedly covers physical abuse only, and requires two witnesses. Female job applicants and workers have complained of being victimized sexually 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. A local NGO estimates that there are at least 650,000 prostitutes in the country, including 150,000 who are registered as prostitutes. Many believe the figure to be much higher as women who lost their jobs as a result of the economic crisis seek other ways to earn money for their families. By comparison, there were 72,000 registered prostitutes in 1995.

In September more than a hundred women from Java, including some minors, reported that they and other women had been held against their will on an island in Riau province, Sumatra, and forced to work as prostitutes. The women claimed that they had been recruited with the understanding that they would be employed as waitresses in resorts on the island. They were prevented from leaving after discovering that they were recruited to be sex workers. The International Labor Organization's report on the sex industry in Southeast Asia, released in August, estimated that Indonesia's sex sector accounted for from 0.8 to 2.4 percent of GDP.

Female domestic servants are vulnerable to exploitation and abuse. In April Jakarta police raided a building where more than 900 women had been held against their will for up to 4 months by a recruitment agency preparing to send them to the Middle East to work as domestic servants. Again in October, hundreds of women were freed in Jakarta after being held against their will for 2 to 8 months by an agency that had promised to place them abroad as domestic servants.

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 husband can provide equally for each of his wives. Permission of the first wife is required, but reportedly most women cannot refuse. Civil servants who wish to marry a second woman also must have permission from their supervisors. Cabinet officials and military personnel customarily have been forbidden to have second wives. In divorce cases women often bear a heavier evidentiary burden than men, especially in the Islamic-based family court system. Divorced women rarely receive alimony, 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 the country 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.

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 usually are 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. However, by year's end the Government still had not taken any action to remedy these problems.

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 represented disproportionately 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.

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. Women's 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 often are 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. Income disparity between men and women diminishes significantly with greater educational achievement.

Despite laws that provide women with a 3-month maternity leave, the Government has acknowledged that pregnant women often are dismissed or are replaced while on leave. Some companies require that women sign statements that they do not intend to become pregnant. The Employment Law mandates 2 days of menstrual leave per month for women, although this leave is not allowed in all cases. Many groups criticized the 1997 Manpower Law for not addressing sexual harassment and violence against women in the workplace and for providing inadequate protection in areas of employment where women regularly have suffered abuse, such as overseas employment and household service. The Government has postponed implementation of the new Manpower Law for 2 years to allow time for its revision.

Women disproportionately experience illiteracy, poor health, and inadequate nutrition. The Government is making 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. According to U.N. data, two-thirds of 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.

Women's advocacy groups became more assertive during the year. In February three women's advocates from the group Voices of Concerned Mothers were detained after they led a protest against the rising price of milk. The three were convicted in a highly publicized trial of staging a parade without a permit and were fined. Numerous conferences and rallies concerned with women's issues were held throughout the year. Most were sponsored by NGO's, but some were organized by academic institutions and government ministries. In December the first National Women's Congress brought together more than 500 women from a broad range of economic and sociopolitical perspectives. The Congress concluded with calls for a greater role for women in government, an end to the military's "dual function" in defense and politics, and a referendum in East Timor about the territory's future political status.

Children

The Government has expressed a commitment to children's rights and welfare but a lack of resources prevents it from translating this commitment into practice. The Government allocates only 2.2 percent of gross national product to education. Spending on education declined significantly in real terms during the year, due to economic contraction. 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; implementing regulations have never been promulgated. The Government has made particular efforts to improve primary education and maternity services.

Low cost medical care is available, although access and availability are sometimes sporadic, especially in rural areas. Moreover, government spending on health care dropped in real terms due to the economic contraction. According to U.N. data, 34 percent of children under 5 years of age suffer from protein-energy malnutrition, and 35 percent suffer from iron deficiency. In October the U.N. Children's Fund (UNICEF) warned of a "lost generation" of Indonesian youth as a result of the economic crisis which started in mid-1997. UNICEF estimated that 50 percent of children below the age of 2 were undernourished, threatening the development of brain function. Provincial authorities in Central Java noted a sharp increase in infant mortality attributed to poor nutrition among mothers. NGO research in a district of Central Java documented an increase in underweight infants from 8 percent in 1996 to 14 percent in 1998. In Jakarta city health officials also noted a sharp increase in reports of child malnutrition.

A 1994 law raised compulsory education from 6 to 9 years, but the law has not been implemented fully due to inadequate school facilities and the lack of family financial resources to support children to stay in school. Official and unofficial fees for public education, including payments for registration, books, meals, transport, and uniforms have become prohibitively high for many families. Although primary education is in principle universal, the 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 credible NGO estimated that millions of children dropped out of primary school in 1998 because their families could no longer afford school fees and related expenses due to the economic crisis.

Although statistics are not yet available, children's advocates and labor analysts agree that the number of working children has increased significantly due to the economic crisis which continued to affect the country. According to recent 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. A prominent NGO estimated that more than 10 percent of children worked more than 4 hours per day.

According to the Ministry of Social Affairs, 20,000 street children lived in Jakarta in 1997. NGO's report that the number in Jakarta may have increased by more than 60 percent as a result of the economic crisis. The number of street children also grew in other cities. Street children 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 U. N. Development Program, UNICEF, the 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. Under this program, street children are removed physically 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. NGO's criticize this practice as ineffective and inhuman.

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 credible NGO asserts that it has seen a pattern of increased child prostitution resulting from the economic crisis during 1997 and 1998. Although reliable nationwide statistics remain elusive, NGO findings indicate a growth trend in child prostitution and sexual exploitation. A credible NGO reported instances of families in rural areas of Java and Sumatra being forced by economic circumstances to "sell" their daughters to local men. Another report indicating an increase in child prostitution counted 1,500 underage prostitutes working in just one province in Sumatra.

A separate criminal justice system for juveniles does not exist. Police officials admit that juveniles often are imprisoned with adult offenders. Ordinary courts handle juvenile crime. A Juvenile Justice Law was passed by Parliament in December 1996 and was signed by President Soeharto in 1997. 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 religious leaders have taken no formal position, the method used is often left up to the 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 the age of 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 reportedly are taken off the streets by the authorities and brought to these centers for job training. Many disabled citizens beg for a living.

NGO's are the primary providers of education for the disabled. There are 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 1997. 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 that employ over 100 persons to give 1 percent of their jobs to the disabled. The law mandates accessibility for the disabled to public facilities. However, 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 it 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" should 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 except ethnic Chinese 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 persons 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 (see Section 1.f.).

Sixty percent of the population of over 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 persons into certain areas to "Indonesianize" these areas, in part to preclude secessionist movements. A senior government official has confirmed this. In some areas, such as in certain parts of Kalimantan, East Timor, and Irian Jaya, relations between transmigrants and indigenous people are hostile. NGO's also report tensions between transmigrated Javanese and indigenous populations in the Mentawai Islands off the west coast of Sumatra. Indigenous groups often complain that they receive less government support and funding than transmigrants, and transmigrants complain that in some cases they are moved to areas with inadequate infrastructure to support them and less than desirable land. Transmigrants also may be settled on land of disputed ownership.

Tensions are particularly acute in West Kalimantan between the indigenous Dayak people and settlers from Madura, an island off the eastern coast of Java. The past 30 years have been marked by periodic violent confrontations between the two communities, growing partly out of the Dayaks' 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 in the area 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 often is 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 colonial-era 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. According to credible sources in West Sumatra, large tracts of land in the province have been confiscated over the past several years by commercial plantation developers who paid bribes to the local governor. In some cases, NGO's report, farmers growing rice and other crops were evicted from the land they were planting without compensation to make way for new palm oil plantations staffed by Javanese transmigrants. A local NGO alleged that, when its staff members visited the area in the summer to investigate land dispute claims made by local communities, "thugs" hired by local officials intimidated them.

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, erosion of indigenous groups' traditional social structure, and forced takeover of land. These problems are most prevalent in Irian Jaya and Kalimantan.

In 1998 an internationally recognized environmentalist, Loir Botor Dingit, who is also a paramount chief of the Dayak tribe of East Kalimantan, was brought to trial; the Government charged him with forgery and perjury. The charges stem

from the tribe's opposition to logging operations being conducted on land claimed by the tribe. The operations were being conducted by a company owned by a former minister and close associate of Soeharto. The defendant alleged that he had been threatened repeatedly and harassed by security forces for his opposition to the logging (see Section 1.e.). The charges against Dingit were dropped in November.

In Central Kalimantan, NGO's report that local residents have suffered as a result of a project to turn 1 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 forest-based livelihoods, many indigenous people living in the area have become poorly paid laborers on the project.

There were credible reports that bonded labor has become a problem for some Dayaks in East Kalimantan. According to the ILO, on at least one project, a logging company established a company store in a remote area, where workers had to purchase necessities at inflated prices. Since the workers could not afford the prices, they bought the goods using vouchers representing future wages, thereby, according to the ILO, "turning once independent and relatively well-off farmers into impoverished bonded laborers trapped in an ever-mounting cycle of debt."

Where indigenous people clash with commercial/private sector development projects, the developers almost always win. Decisions regarding development projects, resource-use concessions, and other economic activities generally are carried out without the participation or informed consent of the affected communities. Some 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 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 non-Irianese business community. A large percentage of the population of Irian Jaya is now made up of migrants, who are economically and politically dominant. A clash between indigenous people and recent migrants over gold mining claims in the area of Nabire led to the stabbing death of three Irianese and nine non-Irianese in August. 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. There were credible reports of serious human rights abuses by the security forces in Biak following proindependence demonstrations, and new revelations of abuses by security forces pursuing separatists in the central highlands of Irian Jaya (see Sections 1.a. and 1.c.). There was a proindependence demonstration in Manokwari in early October. When police dispersed the demonstrators, persons in the crowd threw rocks, injuring one policeman and damaging shops and houses. Six persons, including a tribal leader, were arrested in Jayapura in early October on suspicion of planning proindependence demonstrations. They were conditionally released later in the month. Also in October, 19 persons went on trial on sedition charges in connection with the Biak proindependence demonstrations. At year's end, the trial of 10 persons accused in connection with the July 7 proindependence demonstration in Wamena had not yet begun. Twenty-four others are awaiting trial elsewhere in Irian Jaya on similar charges. No members of the security forces have been charged or held accountable for their harsh response to the July demonstrations.

In August the Government announced the withdrawal of 270 troops from the Timika area and 394 troops from the task force operating in the central highlands. On October 1, Armed Forces Commander Wiranto announced that he had decided to withdraw the status of "military operational area" from Irian Jaya. However, the province is still designated a "critical control area."

In September President Habibie agreed to a recommendation from the Indonesian Council of Churches that the Government hold a national dialog on Irian Jaya. Representatives from Irian Jaya and from the Irianese community in Jakarta met with government officials in late October and early November to draft terms of reference for the dialog. By year's end, no date has been set, but Minister of State/State Secretary Akbar Tanjung told the press in mid-December that the Government planned to hold the dialog after the Idul Fitri holiday in January 1999. Some Irianese have expressed disappointment in the Government's approach to the preparations.

A large foreign mining concession area near Timika continued to draw attention and controversy. In March a foreign

court dismissed with prejudice a 1996 suit brought by a local indigenous leader. In December a council of indigenous representatives announced that it would continue to press the lawsuit against the company "until such time as a comprehensive, honest, and fair solution has been reached between the parties, on an equal footing." In June a landslide into a lake into which mine tailings are deposited caused the lake to overflow, damaging settlements and crops. An environmental group blamed the company's mining practices, while the company cited unusually heavy rains as the cause of the landslide and flooding. Indigenous residents, including the governor of Irian Jaya, demanded that the central Government return a greater percentage of the mine's revenues to the province. The mine was shut down for 5 days when mine workers went on strike in August. The strike ended when the local military and police commanders held a meeting with workers and company officials. A parliamentary committee that visited Irian Jaya in August recognized that the company's presence should be maintained and secured, and it suggested the company negotiate with the residents regarding demands for the company to increase its participation in the improvement of community welfare. The committee also recommended that the negotiated agreements be set forth in a contract to give them a legal basis and that company funds for development of the mine area be disbursed in a fair, transparent, and organized manner.

Religious Minorities

During the year, there were instances of attacks on churches, temples, and other religious facilities, ranging in nature from minor vandalism to arson. There were also instances of preaching and publications against Christians, which led to concerns that societal support for religious tolerance was under pressure. Christian groups recorded 128 instances of attacks on churches and other Christian facilities during the year, 76 of which occurred following the accession to office of President Habibie in May. The attacks ranged in severity from broken windowpanes to total destruction. The Government has not resolved fully many cases of attacks on religious facilities and churches that occurred during riots and, in other cases, has not investigated at all.

On February 13, serious anti-Christian and antiethnic Chinese violence broke out in west Java. Twenty-eight churches were attacked in several towns east and southeast of Jakarta. Mobs stoned windows, vandalized interiors, and in some cases attempted to burn the churches. Cars and other property belonging to the church and church members also were targeted for vandalism. Incidents such as these reflect religious tensions, as well as in some cases underlying socioeconomic and political tensions between poor Muslims and relatively more affluent ethnic Chinese Christians.

On July 24, a Protestant church was burned in the Depok area of south Jakarta. The church's congregation was Batak, an ethnic group with origins in north Sumatra. Although the church was in close proximity to a police station, the mob spent hours demolishing it to its foundations with sledgehammers. Police have made no progress investigating the incident.

In late November, a brawl in Ketapang, West Jakarta, between Muslim local residents and Christian security guards of a gambling den, who were mainly of Ambonese descent, escalated into a riot in which 14 were killed and 27 local churches and Christian schools were attacked, and in some cases destroyed. The anti-Christian violence in Jakarta prompted retaliatory anti-Muslim violence in Kupang, West Timor, in late November and early December. In Kupang (where Muslims are a minority), Christian mobs burned four mosques and several homes and shops belonging to Muslims. Five other mosques and a number of houses were damaged and dozens were injured. In both the Jakarta and Kupang incidents, interethnic tensions, as well as interreligious tensions, were factors contributing to the violence.

Muslims are a religious minority in the easternmost province of Irian Jaya. In January a mosque was burned down in a small village near Kurima in the central highlands of Irian Jaya. The attack on the mosque apparently was motivated by local sentiment against the efforts of Muslim missionaries to win converts in the predominantly Christian province. The incident also reflected local resentment of the arrival in the province of mainly Muslim migrants from other parts of the country. Interreligious tensions remain high in the province.

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, historically have played a major role in the economy. In 1998 anti-Chinese sentiment led to serious and widespread attacks on Chinese-owned businesses, especially in the disturbances of May 12-14. Credible charges emerged that attacks on Chinese property during the May rioting were in some cases organized rather than spontaneous in nature, and that attacks on Chinese property were coordinated in Jakarta and in other cities and towns across the country. Charges that members of the security forces were involved in these attacks had not been fully investigated by year's end.

Both the Government and NGO's also are investigating allegations that during the May riots, more than 150 ethnic Chinese women and girls were targeted for rape in Jakarta and other cities, as part of a campaign to spread terror among the ethnic Chinese community (see Section 1.c.). Allegations of the organized destruction of Chinese property and the systematic mass rape of Chinese women are very controversial, and both official and private investigations of these charges found it difficult to produce concrete evidence, particularly first-hand testimony. Despite these difficulties, in November a government-appointed, fact-finding team verified 66 rapes that occurred during the riots, involving primarily ethnic Chinese women and girls, as well as numerous other acts of violence against women.

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 a government-owned, Chinese-language daily newspaper, but otherwise legislation bans the import, sale or distribution of Chinese-language material (see Sections 1.f. and 2.a.). 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 it has allowed distribution of locally printed Chinese-language tourist brochures, programs, and similar material to Chinese speaking tourists.

Private instruction in Chinese generally is 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 displayed prominently and sold in public shopping areas in at least a few cities. Senior officials previously have shown reluctance to relax the ban on Chinese-language publications, citing concerns that such an action could promote interracial tensions.

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 stated 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. In July in reaction to rumors and possible intimidation, at least several thousand non-East Timorese fled the province; however, most later returned.

Section 6 Worker Rights

a. The Right of Association

Private sector workers are by law free to form worker organizations without prior authorization, and unions may draw up their own constitutions and rules and elect their representatives. In May the Government ratified ILO Convention 87 on freedom of association and issued a new regulation on the registration of workers' organizations. The new regulation eliminates numerical and other requirements that were previously a barrier to union registration. It provides for registration of unions at the factory, district, provincial, and national level and allows unions to form federations and confederations. The regulation prohibits unions based on political orientation, religion, gender, or ethnic groups. The

regulation requires that workers' organizations already recognized by the Government, i.e., the Federation of All-Indonesian Trade Unions (SPSI) and plant-level unions, must reregister within 90 days. Since the new regulation on trade union registration went into effect, at least nine new or previously unrecognized unions have begun organizing themselves to register.

The SPSI, which was formed by the fusion (with strong government encouragement) of existing labor organizations in 1973, is the oldest trade union organization. The head of the SPSI and many members of the executive council are also members of the ruling GOLKAR political organization and its constituent functional groups. In August the SPSI leadership split over the issue of reforming the Federation's structure. Following the split, the Department of Manpower stated that it would no longer intervene in organizational disputes within trade unions or provide guidance to any unions.

Under the Law on Manpower Affairs enacted in October 1997, 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 law was scheduled to take effect on October 1, but in October Parliament amended it to postpone implementation until October 1, 2000 to allow time for revision, consultation with concerned groups, and preparation of implementing regulations.

Although, as with other mass organizations, the Government may dissolve a union if it believes that the union is acting against Pancasila, it has never done so, and there are no laws or regulations specifying procedures for union dissolution.

Two labor groups previously considered illegal by the Government, the Indonesian Prosperity Trade Union (SBSI) and the Alliance of Independent Journalists, now operate openly. Since May the AJI, formed in 1994 by journalists disillusioned with the government-sanctioned Association of Indonesian Journalists (PWI), has carried out its activities without hindrance. The SBSI's founder and general chairman, Muchtar Pakpahan, was released after nearly 2 years of detention and cleared of all previous charges and convictions in May. However, the SBSI, created in 1992, continues to encounter harassment. For example, military and police prevented the SBSI from holding a large public rally at the Parliament in June (see Section 2.b.). In July the local military commander canceled a meeting between Pakpahan and employer representatives in Solo, Central Java. Later the same month, local officials broke up an SBSI training session in North Sumatra and assaulted SBSI leaders, and security officials beat and detained SBSI representatives in Tangerang (near Jakarta) who were seeking to register a workplace SBSI unit with the Department of Manpower office. The SBSI claims that companies are continuing to fire SBSI members because of their affiliation with the union or because they sought to organize SBSI units within their factories, a problem other labor organizations and activists have encountered in trying to form unions. In addition, SBSI has complained of difficulty in registering some of its workplace units.

Civil servants 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.

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. However, in practice this regulation continues to apply to union meetings. Permission was given routinely to the SPSI, but the SBSI and other labor organizations claim that local civilian and security officials on a number of occasions have discouraged or denied permission to their gatherings even after the union registration process was opened up in May.

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 early June, the ILO Committee on Freedom of Association stated that the release of Muchtar Pakpahan and other SBSI leaders constituted an important and positive step with regard to freedom of association, and it expressed the hope that this would be one of a series of positive measures toward full respect of freedom of association.

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. In practice, dispute settlement procedures rarely are followed, and formal notice of the intent to strike rarely is given because Department of Manpower procedures are slow and have little credibility with workers. Therefore, sudden strikes tend to result from longstanding grievances, attempts by employers to prevent the formation of union branches, or denial of legally mandated benefits or rights. The Government has stated that it would address strike procedures and industrial dispute resolution in revising the 1997 Law on Manpower Affairs and in new legislation on dispute resolution.

According to Department of Manpower statistics, there were 234 strikes involving 141,495 workers during 1998. However, beginning 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 more frequent; but the police counted 496 cases of strikes or other forms of industrial action during the year. The largest strike involved an estimated 30,000 workers from a Surabaya manufacturing company who went on strike in June, and again in November, for increased wages and allowances. One worker died of injuries, reportedly after being struck with a rifle butt during a clash with police. After periodic strikes in July involving several thousand workers at a textile plant in Solo, Central Java, a group of 750 workers demonstrated for several days in front of the Department of Manpower and other offices in Jakarta. Nineteen of the workers were injured in a clash with police when the demonstrators blocked traffic on a busy street in Jakarta. They left Jakarta after the government Labor Dispute Resolution Board ruled that the company should reinstate them. However, the company challenged the ruling in court and refused to rehire the workers. In October police fired rubber bullets and beat demonstrating workers at a factory near Medan, North Sumatra, after workers began throwing stones at the factory and security forces. At least nine workers and two police officers were injured. Several other strikes during the year resulted in damage by workers 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. Some of the SPSI's federated sectoral unions are members of international trade secretariats. The SBSI is affiliated with the World Confederation of Labor and some international trade union 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 ratifying ILO Convention 87 and issuing a new regulation on union registration in May, the Government has made it possible for new workers' organizations that register with the Government to conclude legally binding agreements with employers.

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 negotiated freely 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.

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 often merely are presented to worker representatives for signing rather than being negotiated. The SPSI stated in September 1997 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.

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 1997, 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 NGO's. 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 often is ignored in practice.

Commenting on antiunion discrimination and restrictions on the right to organize and bargain collectively, the ILO's Committee of Experts on the Application of Conventions and Recommendations in June expressed the hope that the Government would take the necessary measures in the very near future to bring its legislation, including the 1997 Manpower Law, into conformity with ILO Convention 98 on the right to organize and bargain collectively.

In 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 remains uneven, but labor observers generally believe that it has given more power to factory-level union units where the checkoff system is practiced. Union officials at SPSI headquarters stated that not all local branches of the unions send a portion of dues collected to regional and central headquarters as provided in the SPSI's bylaws.

The police, as well as the military, continue to be involved in labor matters, although since the mid-1990's there has been a shift from open intervention and demonstrations of force by uniformed troops to less visible measures. Nevertheless, in June army troops guarding a steel plant near Jakarta during a strike fired rubber bullets on striking workers who pelted them with rocks and bottles. Twenty-three workers, as well as 3 soldiers, were injured. On several occasions security personnel interfered with activities of the SBSI (see Section 6.a.). 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 personnel and employers, which usually takes the form of intimidation of workers by security personnel in civilian dress. Employer and union representatives also have complained about the "invisible costs" of corruption, which they and others estimate constitute up to 30 percent of a company's expenses.

Responding to criticism of Indonesian security force intervention in labor matters at the June international labor conference, Minister Idris sent a letter to Coordinating Minister for Political and Security Affairs Feisal Tanjung requesting that government agencies allow labor disputes to be settled in accordance with the law by the Department of Manpower. The Coordinating Minister subsequently sent a letter to the Minister of Defense and Security and other government departments requesting that they give attention to Idris' request and implement a policy of permitting industrial disputes to be resolved between workers and employers on the basis of internationally recognized principles. A 1990 decree giving the BAKORSTANAS authority to intervene in strikes in the interest of political and social stability remains in effect.

Labor law applies in export processing zones (EPZ's) as in the rest of the country, although nongovernmental observers believe that in practice enforcement of laws in EPZ's is weaker.

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, or sexual abuse of the children. In November 1997, the Department of Manpower issued a circular letter having the force of law which prohibits the hiring of persons under the age of 14 on fishing platforms. In July Minister Idris told a parliamentary committee that the Government wanted to end child labor on the fishing platforms and to find alternatives for children employed there. In December Minister Idris signed a statement of intent, witnessed by President Habibie and the ILO director in Jakarta, committing the Government to ratify the ILO convention prohibiting forced labor by no later than June 1999.

In East Kalimantan a logging company reportedly has trapped Dayak laborers in a cycle of debt and turned them into bonded laborers (see Section 5).

There were reports in 1997 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. A survey conducted in 1996 by the Indonesian Child Welfare Association, found that 1.92 million children between the ages of 10 and 14 worked at least 4 hours a day. The Association believes that this figure represents about 8.5 percent of children. However, the total number of working children is probably significantly higher because documents verifying age are falsified easily and because children under age 10 were not included in the survey. This number is believed to have risen still further due to the 1998 economic crisis. Although statistics are not yet available, it is widely agreed that about 2 million children worked at least 4 hours a day in 1998.

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 1997, committing them 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." In December Minister Idris signed a statement of intent, witnessed by President Habibie and the ILO director in Jakarta, committing the Government to ratify the ILO convention on minimum working age no later than June 1999. 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 on "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 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 that employ 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 1997 Manpower Law 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, which is scheduled to go into effect in 1999, places restrictions similar to those in the 1987 regulation on employers that hire 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. A prominent NGO estimated in 1998 that 1.92 million children worked more than 4 hours per day. Of this number, 1.67 million worked in rural areas and 249,000 worked in urban areas. According to the NGO's estimates, boy workers outnumbered girl workers in the rural areas: 1.01 million boys worked and 662,000 girls worked. By contrast, girls outnumbered boys in the urban areas: 119,402 boys worked and 130,000 girls worked.

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 falsified easily. In the informal sector, children 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. One prominent NGO estimated that in 1998, there were 3,200 children working on offshore fishing platforms, often under adverse conditions. Other estimates are higher (see Section 6.c.). Many domestic workers are female children under the age of 15. Although accurate figures are unavailable, estimates put the number of child domestic workers at up to 1.5 million. Observers agree that this number increased in 1998 as a result of the economic crisis. A survey done in 1995 revealed that these children work long hours, receive low pay, generally are unaware of their rights, and often are far from their families.

A 1994 law raised compulsory education from 6 to 9 years, but the law has not been implemented fully due to inadequate school facilities and lack of family financial resources to support children staying in school. One prominent NGO reported that 8 million children had dropped out of primary school after the economic crisis began in 1997. 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 increased the average minimum wage 70 percent (when adjusted for inflation) between 1992 and 1997. However, the high inflation rate in 1998 has depressed sharply the purchasing power of the minimum wage. After the latest minimum wage increases in August, which averaged 15 percent nationwide, the average minimum wage was equal to 76 percent of the government-determined "minimum living need," down from 95 percent in 1997. In Jakarta the monthly minimum wage is about \$17 (Rp 198,500). 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 are light, although the new Manpower Law, which took effect in October after revisions were made, increased penalties for not paying the minimum wage from about \$8 (Rp 100,000) to \$17,000 (Rp 200,000,000). According to government figures, 57 companies applied for relief from the minimum wage increases on the ground that they would otherwise close. The Department of Manpower granted 43 of the applications and denied the other 14 requests.

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, 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. 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 1997, 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 hampered severely 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. As a result, workers who remove themselves from hazardous working conditions may risk loss of employment.

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