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ACRONYMS

KPK	Corruption Eradication Commission
MoEC	Ministry of Education and Culture
MoRA	Ministry of Religious Affairs
MPR	People's Consultative Assembly
DPR	People's Representative Council
DPD	Regional Representative Council
PDI-P	Indonesian Democratic Party of Struggle (the current governing party)
UKP-PIP	Presidential Working Unit on Guiding the Ideology of <i>Pancasila</i>
CSOs	Civil Society Organisations
AJI	Alliance of Independent Journalists
FGM/C	Female Genital Mutilation/ Cutting
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
CID	Criminal Investigation Division
INP	Indonesian National Police
TNI	Indonesian Armed Forces
KTP	Resident Identity Card

GLOSSARY

<i>Pasung</i>	The practice of physically restraining and confining people with mental illness
<i>Madrasah</i>	Islamic schools
<i>Sharia</i>	Islamic law
<i>Pancasila</i>	Indonesia's official, foundational ideology
<i>Komnas HAM</i>	Indonesia's national human rights institution
<i>Talak</i>	The right of Muslim husbands to unilaterally divorce their wives
<i>Fajar Nusantara Movement (Gafatar)</i>	A spiritual and social movement dedicated to following the 'Millah Abraham' religious ideology, which intermixes various teachings of Islam, Christianity and Judaism
<i>KOMPOLNAS</i>	A semi-independent government advisory body that maintains oversight of the INP and acts as an alternative advisor to the President on policing matters

Terms used in this report

high risk	DFAT is aware of a strong pattern of incidents
moderate risk	DFAT is aware of sufficient incidents to suggest a pattern of behaviour
low risk	DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)

1. PURPOSE AND SCOPE

1.1 This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgment and assessment at time of writing and is distinct from Australian government policy with respect to Indonesia.

1.2 The report provides a general, rather than an exhaustive country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 56 of 21 June 2013 under s 499 of the Migration Act 1958 states that:
Where the Department of Foreign Affairs and Trade has prepared a country information assessment expressly for protection status determination processes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report is informed by DFAT's on-the-ground knowledge and discussions with a range of sources in Indonesia. It takes into account relevant and credible open source reports, including those produced by the US State Department, World Bank, Transparency International, Human Rights Watch, Freedom House, Reporters Without Borders, the Committee to Protect Journalists, UN agencies, and credible news sources. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT report released on Indonesia published on 9 June 2015.

2. BACKGROUND INFORMATION

RECENT HISTORY

2.1 The Dutch maintained a colonial presence in the Indonesian archipelago from early in the 17th century until the mid-twentieth century, and the present-day territorial boundaries of Indonesia reflect those of the former Netherlands East Indies. Although Indonesia declared its independence in 1945, it took a four-year independence struggle before the Dutch finally recognised Indonesia's independence and withdrew in 1949.

2.2 A period of often-unruly parliamentary democracy ended in 1957 when President Soekarno declared martial law and cancelled elections. Tensions grew between the Indonesian military and communist party, fuelled by Cold War tensions. The murder of six senior generals by alleged communist sympathisers in 1965 resulted in a nationwide anti-communist purge that killed many hundreds of thousands of people (the exact number is unknown, but could be as high as one million). General Suharto took control of the military and gradually eased Soekarno from power, removing him completely by 1967.

2.3 Under Suharto's military-based 'New Order' government, political stability returned to Indonesia and the country's economy grew substantially. Indonesia formally incorporated the former Netherlands New Guinea in 1969 (see Secessionists in the Papuan provinces), and incorporated East Timor in 1975. However, popular discontent with the New Order government throughout Indonesia over limited political freedom, human rights abuses, large disparities in income and wealth, and corruption came to a head in 1997 when the Asian financial crisis hit Indonesia. High inflation and unemployment levels, and numerous bank and company collapses caused widespread economic hardship. Looting and rioting occurred in Jakarta, much of which targeted the minority ethnic Chinese-Indonesian community. A number of serious incidents of communal violence (both ethnic and religious-based) also occurred across the archipelago. Suharto resigned the presidency in May 1998, ending the New Order era.

2.4 In the post-New Order period ('the democratic era'), Indonesian presidents have faced political, security, social, and economic challenges but these challenges have lessened over time. Elections in Indonesia have for many years been mostly free of violence. After a strong pro-independence vote in 1999, a violent backlash by pro-Indonesia militia groups, and international intervention, East Timor became an independent nation in 2002. Terrorist attacks in Jakarta, Bali and elsewhere have killed hundreds, and terrorism remains a persistent threat. While pro-separatist sentiment continues to linger in the Papuan provinces, related violence has decreased significantly in recent years. A number of serious historical human rights abuses remain unresolved. Corruption remains endemic, although Indonesia's Anti-Corruption Commission has successfully prosecuted a number of high-profile figures, including cabinet ministers and parliamentarians.

2.5 The democratic era has, overall, been marked by political stability and improvements in the material wellbeing of most citizens. Indonesia held free and fair general elections in June 1999, and the first direct presidential election in 2004. Recent elections have had low levels of violence compared to previous years.

Indonesia has largely recovered from the economic difficulties of the late 1990s, greatly improved its human rights record, and peacefully ended a long-running separatist conflict in Aceh. Large-scale communal violence has not occurred for many years. Indonesia's current president, Joko Widodo, was inaugurated in October 2014, after campaigning on a platform to fight inequality and to improve the living standards of the poorest. Indonesia's next presidential and general elections are scheduled to take place in 2019.

DEMOGRAPHY

2.6 Indonesia is the world's largest archipelagic state. It comprises around 17,500 islands, of which approximately 6,000 are inhabited. As of July 2016, Indonesia had an estimated population of 258.3 million, with a population growth rate of 0.89 per cent. Just over half of Indonesia's population is urbanised. The population of Indonesia's capital and largest city, Jakarta, is approximately 20 million (including its surrounding metropolitan area). Other major cities include Surabaya (2.8 million), Bandung (2.5 million), Medan (2.5 million), Bekasi (2.5 million), Semarang (2 million), and Tangerang (2 million). Indonesia is one of the world's most ethnically diverse countries, hosting more than 300 ethnic groups and more than 700 languages. Major ethnic groups include Javanese (40 per cent), Sundanese (15.5 per cent), Malay (3.7 per cent), and Batak (3.6 per cent).

2.7 According to Indonesia's most recent census (2010), approximately 57.5 per cent of Indonesians live on the island of Java, which constitutes less than seven per cent of Indonesia's total landmass. 21.3 per cent of Indonesians live on Sumatra, the country's second largest island.

ECONOMIC OVERVIEW

2.8 The Indonesian economy is the largest in Southeast Asia and the sixteenth largest in the world in real terms. Since recovering from the Asian financial crisis of the late 1990s, Indonesia has achieved sustained economic growth. The country's GDP per capita has risen from USD 560 in 2000 to USD 3,895.3 in 2017. Indonesia has cut its poverty rate from over half the population in 1999 to 10.6 per cent in 2017.

2.9 Services, including transport, communications, tourism, financial and business services, increasingly drive Indonesia's economic growth, accounting for approximately 46 per cent of Indonesia's GDP in 2016. Industry and resources sectors, including petroleum and natural gas, textiles, automotive, electrical appliances, apparel and footwear, mining, cement, medical instruments and appliances, handicrafts, and chemical fertilisers, accounted for approximately 40.3 per cent of GDP. Agriculture, including rubber, palm oil, poultry, beef, coffee, fish products, spices, and forest products, accounted for approximately 13.7 per cent.

2.10 The Widodo government's main economic policy priorities are inequality, regional development and poverty reduction. Since President Widodo's election in 2014, the government has launched high-profile initiatives on infrastructure development and social assistance programs related to education and healthcare. Reforms of long-standing energy subsidies have enabled re-prioritisation of public spending in favour of increased investment in programs that directly affect the poor. Indonesia's trade policy continues to focus on self-sufficiency and reducing dependence on foreign imports, which has led to higher domestic prices for basic commodities and contributed to limiting the impact of other economic reforms.

2.11 Indonesia continues to face considerable economic challenges. Economic growth has averaged around 5 per cent over the previous decade, which is below levels required to meet Indonesia's ambitious poverty reduction goals or to absorb new entrants to the labour market each year. While the poverty rate declined by one percentage point annually from 2007 to 2011, it has declined by an average of only

0.3 percentage points per year since 2012. More than 27 million Indonesians continue to live below the poverty line, set at IDR 374,478 (A\$35.27) per month. Approximately 40 per cent of the population remains vulnerable to falling below the poverty line.

2.12 Inequality remains one of Indonesia's greatest challenges. The top one per cent of Indonesia's population holds more than 50 per cent of the country's total wealth. Inequality has grown faster in Indonesia than in most other countries in the region, with the Gini coefficient rising from 0.30 in 2000 to 0.39 in 2017. Inequality also divides Indonesia geographically – the large western islands of Java and Sumatra provide 80 per cent of Indonesia's economic activity and remain the primary hubs for employment and investment; in comparison, eastern Indonesia has higher rates of poverty, in large part due to its relative remoteness and lack of connectivity with larger growth centres. Recent surveys show 88 per cent of Indonesians see inequality as an urgent problem. However, implementation of the Widodo government's inequality agenda has been slow, complicated by bureaucratic competition and complexity, decentralised governance, and lack of capacity at the village level.

Employment

2.13 More than a decade of macroeconomic growth has succeeded in pushing Indonesia's unemployment rate into a steady downwards trend – the formal unemployment rate was 6.3 per cent in 2016. Indonesia's high youth unemployment rate has fallen considerably in recent years. However, with around two million young Indonesians entering the workforce each year, the slow pace of job creation represents a serious economic challenge. Job quality and wage levels are also areas of concern.

2.14 The informal sector – both rural and urban – continues to play a large role within Indonesia's economy. Reliable estimates suggest that between 55 and 65 per cent of employment in Indonesia could be termed informal, mostly in construction and agriculture. Women are more likely than men to work in the informal sector.

2.15 A large number of documented and undocumented Indonesians seek employment overseas, mainly in the Middle East and Southeast Asia. While accurate numbers are unavailable, estimates put the number of Indonesian migrant workers as high as 4.5 million. Most female migrant workers obtain employment as domestic workers, while male workers work in a variety of sectors including agriculture, construction, and maritime-related industries. The remittances sent back by migrant workers form an important element of Indonesia's economy – in 2015, remittances from the Middle East were USD3.52 billion, and from Southeast Asia USD2.6 billion. In May 2015, following the execution of two female domestic workers in Saudi Arabia and several high profile cases of abuse, the government announced a ban on sending domestic workers to 21 mainly Middle Eastern countries. However, there is little evidence to date to suggest the policy has substantially reduced the number of Indonesians working in those countries.

Corruption

2.16 Indonesia is a State Party to the UN Convention Against Corruption (2005), and is a member of the Asian Development Bank/ Organisation for Economic Cooperation and Development's joint Anti-Corruption Initiative for the Asia Pacific and the Asia Pacific Group on Money Laundering. The primary anti-corruption statute is the *Law on the Eradication of Crimes of Corruption* (1999), as amended by the *Anti-Corruption Law* (2001). Under the Anti-Corruption Law, courts may impose penalties including fines ranging from IDR 50 million to IDR 1 billion (AUD 5000 to AUD 100,800); imprisonment for up to 20 years; or, in extreme cases, life imprisonment or the death penalty. Other relevant laws include the *Law on State Administrators*

Who Are Free From Corruption, Collusion and Nepotism (1999); the *Law on the Corruption Eradication Commission* (2002); and the *Law on the Prevention and Eradication of Money Laundering* (2010).

2.17 Despite a strong legal framework, an emphasis on tackling corruption from successive administrations, and a number of high profile convictions (including a life sentence imposed on the Chief Justice of the Constitutional Court in 2014), Indonesia ranked 90th out of 176 countries in Transparency International's 2016 Corruption Perspectives Index. International commentators have cited weak enforcement of anti-corruption legislation, ineffective regulatory mechanisms and conflicting legislation, a culture of nepotism and favouritism, and bribery in the public service, judiciary, police and politics as particular areas of concern. The Indonesian media and public have a keen interest in political corruption, which regularly features in headlines.

2.18 The main government agency enforcing the Anti-Corruption Law is the Corruption Eradication Commission (KPK). The KPK coordinates with other authorised agencies in the eradication of bribery and corruption, conducts investigations and prosecutes bribery offences, can act to prevent bribery, and monitors governance and the state budget. The KPK enjoys strong public support: 86 per cent of Indonesians surveyed in May 2017 had faith in the organisation. The police and the public prosecutor have primary responsibility for prosecution of crimes under the Criminal Code, and may also investigate and prosecute bribery offences. The Ombudsman actively supervises the public service and investigates alleged maladministration by public officials or legal entities funded by the state. One of the Ombudsman's statutory roles is to support the creation of a corruption-free state and government.

2.19 The KPK's anti-corruption efforts have attracted resistance from some quarters, including intimidation and attempts to weaken its authority. In April 2017, an acid attack left a senior KPK investigator with facial burns and eye damage. The same investigator had previously been the subject of an attempted hit and run incident. In April 2017, Indonesia's parliament decided to establish a special committee to carry out a parliamentary inquiry into the effectiveness of the KPK, including the organisation's investigation of an electronic identity card scandal, a case that has implicated several politicians. Critics of the committee argued, among other things, that parliament was not legally authorised to examine the activities of an independent agency such as the KPK, and that the special committee did not comply with the requirement for representation from all political parties in parliament. The special committee is yet to make its final recommendations. The Widodo administration has so far protected the KPK and it remains a functional and trusted institution.

Health

2.20 Article 28H of the Constitution guarantees citizens the right to obtain medical care, while Article 34 obliges the state to provide medical and public service facilities. Responsibility for health service delivery in Indonesia was decentralised in the early 2000s, with nationally run programs transferred to the district level. Decentralisation slowed the rate of improvement of health indicators across the country, and Indonesia's health indicators lag the region. Particular problems include a maternal mortality rate that translates to 325 women dying in childbirth every week; rising mortality rates from cardiovascular diseases, diabetes and cancers; a high rate (37 per cent) of childhood stunting due to malnutrition; and stalled progress in tackling infectious diseases such as tuberculosis and HIV/ AIDS, the latter particularly in the Papuan provinces. An estimated 700,000 to 800,000 Indonesians live with HIV. While HIV remains stigmatised, the government has become increasingly responsive to the epidemic and provides free testing and treatment. Indonesia has increased domestic funding for HIV control and now contributes about 50 percent. Indonesia's health indicators have significant regional disparities, with poorer outcomes in the country's eastern provinces.

2.21 In January 2014, Indonesia began the implementation of a National Health Insurance Scheme (JKN), aimed at providing universal health coverage by 2019. The Indonesian government pays insurance premiums for the poorest 40 per cent of the population, covering an estimated 90 million people. The scheme experienced considerable cost over-runs in its early stages, and required an IDR 995 billion (AUD 100 million) bailout in its first year of operation. In March 2017, the UN Special Rapporteur on the Right to Health said that, while Indonesia was on track to develop a sustainable and equitable healthcare system, problems related to access and quality of services persisted.

Education

2.22 Article 31 of the Constitution guarantees citizens the right and obligation to undertake basic education, and commits the government to funding, managing and organising education. The Indonesian school system is complex, split between general schools administered by the Ministry of Education and Culture (MoEC) and *madrasah* (Islamic day schools), administered by the Ministry of Religious Affairs (MoRA). Both systems offer education from pre-school to grade 12 and teach the national curriculum, as regulated by MoEC. Administration of tertiary education is split between MoRA, the Ministry of Research, Technology and Higher Education, and a plethora of unregulated private providers.

2.23 *Madrasah* have a strong socio-religious mandate and often cater to those who are unable to access other schooling options, including those in rural areas, poorer families, girls, and students with disabilities. *Madrasah* comprise around 20 per cent of primary and secondary schools in Indonesia, serving around 13 per cent of the school age population. Around 90 per cent of *madrasah* are private, run by religious foundations with little government assistance. MoRA's authority over private *madrasah* is limited to enforcing national education standards and criteria associated with government funding. Private *madrasah* generally produce poorer education outcomes compared with general schools or public *madrasah*, largely due to under-resourcing and capacity constraints.

2.24 The UN Development Programme reported in 2016 that Indonesians attended an average of 7.9 years of schooling. The quality of Indonesian education varies across locations, and international observers consider it lower than that of neighbouring countries. While the 2015 PISA international learning assessment conducted by the Organization for Economic Cooperation and Development found that the quality of science education had improved slightly since the previous survey in 2012, there were no significant improvements in mathematics or reading. The majority of Indonesian students remain below international benchmarks for competency in all three categories. The World Economic Forum's Global Competitive Index for 2016/17 ranked Indonesia 54th out of 138 countries for quality of primary education, and 39th for the quality of the education system overall.

POLITICAL SYSTEM

2.25 The 1945 Constitution established the Republic of Indonesia as a unitary state. The first democratic elections since the 1950s occurred in 1999. Since 2004, the people have directly elected the President for a five-year term, and he/she occupies the positions of both head of state and head of government. An elected Vice-President and an appointed Cabinet, who are not required to be Members of Parliament, assist the President. Since 1999, the President has been limited to two five-year terms.

2.26 Indonesia's legislature is the People's Consultative Assembly (MPR). It comprises the People's Representative Council (DPR), loosely akin to the lower house; and the Regional Representative's Council (DPD), loosely akin to the upper house but with a role that is advisory than legislative. Impeachment of a president is a rigorous process that requires a joint sitting of both houses. The DPR consists of 560 members

directly elected through a province-based proportional system that allows voters to cast ballots for individuals as well as parties. Recent amendments to the Electoral Law, if they survive a current Constitutional Court challenge, will increase the number of seats in the DPR to 575. Each of Indonesia's 34 provinces/administrative regions elects four members to the DPD on a non-partisan basis, making up its 136 members. All MPR members are elected for a five-year term. The proportion of seats held by women has remained steady over the past five years at around 17 per cent.

2.27 The DPR's powers include making laws, approving budgets, oversight of the executive, and appointments to public offices, including significant posts such as the Governor of the Bank of Indonesia and Supreme Court judges. It can provide advice on regional and local governance issues, but there is no requirement that this advice be followed. The DPD has authority to deal with legislation affecting regional governance, local government, and the management of natural and other economic resources. The MPR rarely convenes. It is responsible for inaugurating the president and can initiate an impeachment motion against the President with the support of two-thirds of its members and the Constitutional Court.

2.28 Indonesia most recently held parliamentary elections in April 2014. Although 46 parties registered to take part in the election, only 12 passed met the General Elections Commission's requirements to contest the election. Indonesia's current government is a coalition of seven parties, with President Widodo's party (the Indonesian Democratic Party of Struggle, or PDI-P) holding the most seats. Indonesia's next national legislative elections are scheduled for 2019.

2.29 The Constitution gives the President the power to issue a government regulation in circumstance he/she considers an 'emergency', or where there is an urgent gap in the law. Regulations that the DPR accepts become law, while those it rejects have no legal standing. Regulations that become laws may be challenged in the Constitutional Court.

2.30 Indonesia has 34 provinces, eight of which were created after 1999. A governor, elected for a term of five years, heads each province and each province has an elected representative assembly. Five provinces have special status: Aceh, including for use of *sharia* (Islamic law); Special Region of Yogyakarta, as a sovereign monarchy within Indonesia; Papua and West Papua, for implementation of special development; and the Special Capital Region of Jakarta. Indonesia's provinces are further divided into regencies, cities, and smaller administrative units.

Pancasila

2.31 *Pancasila* is the official, foundational ideology of the Republic of Indonesia. It comprises the following five principles: Belief in One God; Just and Civilised Humanity; National Unity; Democracy under the wise guidance of representative consultations; and Social Justice for all Indonesians. *Pancasila* occupies a special place in the national consciousness, and Indonesians learn its principles from an early age. During the Suharto New Order period, the state frequently used *Pancasila* to suppress opposition, threatening to prosecute organisations and individuals for anti-*Pancasila* activities with serious consequences, including prison sentences.

2.32 Although the emphasis on *Pancasila* lessened in the post-New Order period, President Widodo has taken recent steps to re-elevate its importance as a means to confront challenges such as radicalism and the management of hard-line groups. These steps include re-establishing *Pancasila* Day on 1 June as a national holiday, focusing on *Pancasila* in public messaging, and forming a new agency, the Presidential Working Unit on Guiding the Ideology of *Pancasila* (UKP-PIP). Widodo announced UKP-PIP in December 2016, and formally established it by presidential regulation in May 2017. The unit, which answers directly to the President, is responsible for the overall coordination, synchronisation and control of the development of *Pancasila*. It will assist in formulating government policy. The nine-member UKP-PIP includes senior political, military and

judicial figures, and representatives of the Muslim, Christian, Buddhist and Hindu communities. Some civil society commentators have expressed concerns that the renewed focus on *Pancasila* may see a return to the New Order practice of suppressing civil society organisations or activists for ‘anti-*Pancasila*’ activities. DFAT is not aware of evidence to date that such suppression has taken place.

HUMAN RIGHTS FRAMEWORK

2.33 Indonesia’s Constitution enshrines many fundamental human rights, including the right to life; freedom from torture; freedom of religion; freedom from enslavement; recognition as a person before the law; freedom of expression; and freedom from discrimination.

2.34 Indonesia is a State Party to the following international human rights instruments: the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child (and its two Optional Protocols); the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; and the Convention on the Rights of Persons with Disabilities. Indonesia has also signed but not ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women and the International Convention for the Protection of all Persons from Enforced Disappearance.

National Human Rights Institution

2.35 Indonesia’s national human rights institution is the Indonesian National Commission on Human Rights (Komnas HAM), established by presidential decree in 1993 and formalised by parliament in 1999. Komnas HAM has a mandate to conduct human rights education and disseminate information about human rights at the national and international level; monitor international treaties on human rights that Komnas HAM may propose to the government for their ratification or accession; monitor and investigate the implementation of human rights across the country; work with relevant government bodies on the implementation of human rights; and cooperate with regional and international agencies for the continuous protection of human rights. In March 2017, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights affirmed its previous accreditation of Komnas HAM as an institution fully compliant with the Paris Principles.

SECURITY SITUATION

2.36 The security situation in Indonesia is stable. Petty crime, such as opportunistic theft and robbery, is common, and can involve violence. Political rallies, protests and demonstrations occur regularly, particularly in Jakarta near the Presidential Palace, major government buildings and embassies. These events can turn violent with little notice, especially in regional areas (although less so in Jakarta itself). Judicial processes, including trials of extremists and implementation of sentences, can prompt a strong reaction, including through demonstrations and acts of violence.

2.37 Despite extensive efforts by Indonesian security authorities over the past two decades, terrorist attacks continue to occur across the country. However, the scale of these attacks has diminished. Authorities have successfully disrupted most of the planned terrorist attacks. The most significant terrorist attack in recent times occurred in January 2016, when terrorists attacked a Starbucks café and police post in central

Jakarta, resulting in the death of four civilians and four terrorists. Islamic State in Iraq and Syria (ISIS) claimed responsibility for the attack.

2.38 An increasing security concern is the threat of 'lone wolf' attacks carried out by Islamic State-inspired individuals or local cells with links to Indonesians in Syria. As many as 460 Indonesians (including children with their families) have travelled to Syria and Iraq to join Islamic State and other opposition groups, and authorities have prevented travel by many hundreds more. Almost all of the travellers originate from Java. At least 100 have returned to Indonesia, although only a small number have combat experience. De-radicalising former terrorists remains a high priority for the government. A significant number of Indonesian prisoners have returned to the community after completing sentences for terrorism-related offences.

2.39 Active military insurgencies against the central government have largely ceased, although small-scale secessionist activities continue in the Papuan provinces (see [Secessionists in the Papuan provinces](#)). Indonesian authorities continue to conduct security operations against the remnants of the Santoso terrorist networks in Central Sulawesi province.

Communal Violence

2.40 As noted in [Recent history](#), the period immediately leading up to and following the fall of the Suharto New Order regime saw instances of large-scale violence between ethnic and religious communities in various locations in Indonesia. Severe violence occurred in Ambon city and Maluku province from 1999 to 2002, when clashes between Muslim and Christian communities caused many thousands of fatalities and internally displaced hundreds of thousands of people. In the late 1990s, major violence in West Kalimantan province between the indigenous (and largely Christian/animist) Dayak community and (Muslim) Madurese transmigrants resulted in at least 500 fatalities and the internal displacement of up to 75,000 people.

2.41 Analysts contend that local power struggles within a power vacuum around the end of the Suharto regime accounted for much of the communal violence that occurred during the late 1990s/early 2000s. In many cases, local leaders seeking political gain incited existing religious and ethnic tensions, often related to the shortcomings of the transmigration program (see [Race/Nationality](#)).

2.42 Government and community groups have since undertaken considerable peace-building efforts in Ambon and Maluku province to promote common values and build inter-faith links between communities. However, ongoing communal tensions along religious and/or ethnic lines in some parts of Indonesia retain the potential to lead to violence. Recent communal violence has involved hard-line Islamist groups leading mob attacks on religious minorities, particularly those deemed to follow what they consider 'deviant' forms of Islam. Attacks by Christians on Muslim communities have also occurred, including in July 2015 when ethnic Papuan Christians set fire to non-Papuan owned stalls, houses and a small mosque in Papua's Central Highlands following a dispute over the volume of the mosque's loudspeaker during Ramadan.

3. REFUGEE CONVENTION CLAIMS

3.1 Article 28I (2) of the Constitution states that every person shall have the right to be free from discriminatory treatment based upon any grounds whatsoever and shall have the right to protection from such treatment. Other constitutional articles and laws provide additional protections.

RACE/NATIONALITY

3.2 As noted in Demography, Indonesia is one of the world's most ethnically diverse countries. The *Elimination of Racial and Ethnic Discrimination Law* (2008) prohibits the dissemination of information designed to spread hatred or dissension among individuals and/or certain community groups on the basis of ethnicity or race, and provides for a maximum sentence of five years imprisonment for doing so. Article 27 of the Constitution guarantees the equality of all citizens, while Article 32 commits the state to assuring the freedom of society to preserve and develop cultural values, and to respecting and preserving local languages as national cultural treasures.

3.3 In an attempt to ease population pressures in densely populated areas (particularly Java), for many decades the government pursued a 'transmigration' policy, whereby landless people were offered land and housing in less heavily populated locations. At the program's peak between 1979 and 1984, almost 2.5 million people relocated. Critics of the program argued it failed to integrate arriving populations into host communities, and that subsequent segregation led in many cases to communal tensions. In June 2015, President Widodo formally ended the program. While there is no longer a state-sponsored transmigration program, Indonesians have a widely practised tradition of leaving their home to pursue better fortunes in other parts of the archipelago.

3.4 DFAT assesses that, with some limited exceptions (as outlined in succeeding sections), the overwhelming majority of Indonesians are unlikely to face official or societal discrimination on the grounds of race or ethnicity. Where clashes between different ethnic groups have occurred in recent times, they have often occurred along ethnic lines in areas with sizeable transmigrant populations. For example, disputes over land ownership and usage, perceptions of social and economic exclusion or cultural resentment have on occasion resulted in outbreaks of localised violence throughout the archipelago. DFAT assesses that, for the most part, Indonesian security authorities have sought to prevent such incidents and to resolve them quickly when they have occurred.

3.5 DFAT assesses that Papuans residing outside the Papuan provinces face a higher risk of societal discrimination than other ethnic groups because, as Melanesians, Papuans are culturally, ethnically and visually distinct from other ethnic groups. Discrimination may involve exclusion from employment or housing and verbal abuse, but is unlikely to include physical violence.

Ethnically Chinese Indonesians

3.6 Successive waves of immigration to Indonesia from China over more than five centuries have resulted in an established ethnically Chinese Indonesian community throughout the country, many of whom no longer speak Chinese. According to the 2010 census, there were 2.8 million ethnic Chinese living in Indonesia, comprising 1.2 per cent of the population. This figure may understate the actual number, as some Indonesians of Chinese descent are reportedly reluctant to self-identify due to past tensions. The community is mixed religiously: according to the 2010 census, half were Buddhist, 20 per cent Protestant, 14.75 per cent Catholic, 11 per cent Confucian, and 3.6 per cent Muslim. Ethnically Chinese Indonesians tend to marry within their own ethnic and religious group for cultural reasons and because inter-religious marriages can entail administrative difficulties (see [Personal Status Laws](#)).

3.7 The Suharto-era New Order regime subjected Chinese-Indonesians to a range of discriminatory measures. The law prohibited Chinese language newspapers, schools and cultural expressions, and many Chinese-Indonesians were pressured to take Indonesian names. A 1967 decree (which remains officially current) prohibited Chinese-Indonesians from serving in the armed forces, and Chinese-Indonesians were (and officially still are) required to carry a document proving their Indonesian citizenship. As noted in [Recent history](#), in May 1998 during the Asian financial crisis, rioters targeted the ethnic Chinese community due to a common misperception that they were affluent. As many as 1000 Chinese-Indonesians died in incidents related to the riots, women were raped, and businesses were burned or looted.

3.8 Since the end of the New Order regime, successive governments have removed most anti-Chinese aspects of Indonesian public policy. Chinese New Year is celebrated as a national public holiday, Chinese cultural performances and languages are accepted, and the Constitution no longer distinguishes between ethnic Chinese and 'indigenous' Indonesians. In 2014, then-President Yudhoyono issued a regulation changing the Indonesian word used to designate 'of Chinese descent' from one which was often associated with racial slurs. A number of Chinese-Indonesians have held high office, including as Minister for Trade (and later Tourism) in the Yudhoyono administration, and as Governor of Jakarta during the Widodo administration. Chinese-Indonesians remain prominent in the business community.

3.9 However, anti-Chinese sentiment remains present at a societal level in Indonesia. Although many Chinese-Indonesians are not wealthy, many of the country's richest and most prominent businesspeople are ethnically Chinese – a source of resentment for non-Chinese Indonesians. Many Indonesians remain uneasy about Chinese-Indonesians entering public life. In 2012, President Widodo faced strong criticism from conservative Islamist groups for running for Governor of Jakarta with a Chinese-Indonesian (and Christian) running mate, Basuki Tjahaja Purnama, popularly known as 'Ahok', who later succeeded him. Such groups used Ahok's ethnic and religious background as a means to mobilise large crowds of demonstrators after accusing him of blasphemy in late 2016 (see [Blasphemy/ Defamation of Religion](#)).

3.10 Anti-Chinese sentiment in the community has tended to peak when Indonesia has experienced diplomatic tensions with China. Islamist organisations blamed China for a supposed upsurge in communist sentiment in Indonesia in mid-2016. Increased Chinese investment in Indonesia has also caused some ill feeling at local levels, as many mooted projects have not materialised and local critics have expressed concerns about imported Chinese labour and Chinese control over strategic assets.

3.11 DFAT assesses it unlikely that anti-Chinese sentiment in Indonesia will lead to a return to the levels of violence experienced in 1998. However, memories of the crisis have caused continued anxiety amongst many members of the Chinese-Indonesian community, exacerbated by events such as the Ahok blasphemy trial (see [Blasphemy/ Defamation of Religion](#)). Persistent anti-Chinese sentiment may lead to occasional low levels of societal discrimination.

3.12 There have been considerable improvements in public policy affecting the Chinese-Indonesian community since the end of the Suharto New Order regime. Nonetheless, Chinese-Indonesians continue to face a low risk of discrimination due to outstanding New Order decrees that, although not enforced in practice, continue to place restrictions on them that do not apply to other Indonesians.

RELIGION

3.13 Article 28E (1) and (2) guarantee citizens the freedom to choose and practise the religion of their choice and the freedom to believe their faith; while Article 28I (1) includes freedom of religion as a human right that cannot be limited under any circumstances. Article 29 (1) and (2) stipulate that, while the State shall be based upon belief in One God, all persons are guaranteed the freedom of worship according to their own religion or belief. However, Article 28J (2) qualifies these constitutional protections by stipulating that, in exercising his/her rights and freedoms, every person has the duty to accept the restrictions established by law for the sole purposes of guaranteeing the recognition and respect of the rights and freedoms of others and of satisfying just demands based upon considerations of morality, religious values, security and public order in a democratic society. To protect against communal disharmony, several laws and regulations restrict the expression of freedom of religion, including the *Law on the Defamation of Religion* (1965).

3.14 Indonesia is home to the world's largest Muslim population – 202.9 million Indonesians identified as Muslim in the 2010 census. The country hosts two of the largest Islamic organisations in the world, Nahdlatul Ulama and Muhammadiyah, both of which have millions of followers and are socially and politically influential. Most Indonesian Muslims are Sunni, although up to 3 million are Shi'a and approximately 400,000 are Ahmadis (see relevant sections below). According to the 2010 census, Muslims comprise 87.2 per cent of the population; Protestant Christians 7 per cent; Roman Catholics 2.9 per cent; Hindus 1.7 per cent; others (including Buddhists and Confucians) 0.9 per cent. The government estimates around 12 million people also follow traditional belief systems, which are permitted as 'cultural manifestations' rather than religions. DFAT assesses that local authorities generally respect people's right to practise traditional beliefs.

3.15 In practice, Indonesia officially recognises only Islam, Catholicism, Protestantism, Buddhism, Hinduism, and Confucianism (although other religions including Judaism, Zoroastrianism, Taoism and Shintoism are not prohibited and have protection under the Constitution). In November 2017, the Constitutional Court ruled that followers of traditional beliefs should henceforth be allowed to identify as native belief holders on personal and family identity cards. Although there was legal provision for Indonesians to leave the religious identity field on their applications for identity cards blank rather than to select one of the six 'recognised' religions, those whose identity cards did not record a recognised religion reported facing practical difficulties in finding employment, opening bank accounts and obtaining health care benefits. It remains to be seen how the ruling will be implemented.

3.16 The MoRA oversees the activities of registered religious groups. Permits from the MoRA are required (and generally granted) to hold religious concerts or other public events. The MoRA allows the publication of religious materials, the use of religious symbols, and the delivery of religious speeches provided the dissemination of such information be to persons already registered as belonging to the religious group. Registered religious groups require MoRA approval to receive funding from overseas donors. DFAT understands that the MoRA generally grants such approvals.

3.17 In order to obtain permission to build a new house of worship, registered religious groups must obtain 90 signatures of support from the users of the planned house of worship and at least 60 from members of the broader community. While the law does not specify that these additional 60 signatures of support must come from followers of different religious groups (e.g. 60 non-Muslims supporting the establishment of a mosque), in practice it has been interpreted as such. Approval is also required from the

local (city or district-level) religious affairs offices (known as the Forum for Religious Harmony), comprised of religious leaders from the six recognised religions with responsibility for mediating inter-religious conflicts. Due to local opposition, minority religious groups have occasionally not been able to proceed with construction of a house of worship. This has applied both to the building of churches or non-Sunni mosques in Muslim-majority areas, and to mosques in Christian-majority areas.

3.18 Indonesian national laws and long-standing practices generally work to safeguard the majority Sunni populations. Legal safeguards exist at the national level in order to protect the rights of recognised religious minorities. However, although the Constitution, national and higher-level laws and regulations officially take precedence over local regulations, in practice local authorities may disregard them when taking into account the local political and religious context. This is particularly the case in Aceh, where numerous local regulations based on *sharia* tend to disadvantage religious minorities (see *Sharia in Aceh*). However, as Indonesia's minority religions are often clustered geographically (i.e. Christians in the eastern provinces, Hindus in Bali) there are some areas in which Sunni Muslims are in the minority. Local regulations in these areas tend to work in the interests of the relevant religious majority group.

3.19 Religious pluralism is an established part of modern Indonesia and local and international NGOs continue to report that inter-faith tolerance generally remains strong. Nonetheless, NGOs report that instances of religious intolerance have risen over the past decade. Non-state actors, particularly hard-line Islamist organisations, are frequently involved in incidents of religious intolerance.

Personal Status Laws

3.20 The Indonesian *Marriage Law* (1974) ('the Marriage Law') is the primary personal status law in Indonesia. It states that the legal age for marriage is 19 years for men and 16 years for women, but those under 21 years of age must obtain parental permission to marry. All couples marrying in Indonesia must declare a religion, with agnosticism and atheism not recognised. Marriage partners must be of the same faith. The Civil Registry Office records marriages of persons of the Muslim, Hindu, Buddhist, and Christian (Protestant and Catholic) faiths. The Office of Religious Affairs performs Muslim marriages, which may occur in a mosque, the home, or any other place. Christian, Hindu and Buddhist ceremonies usually take place in a temple or church ceremony. No marriages are considered legal until registered with the Civil Registry Office.

3.21 The Marriage Law adopts the principle of equality between husbands and wives, with each having equal rights in conducting legal actions. However, the Law designates the husband as the head of the family. The Marriage Law considers property acquired during the marriage as joint marital property, but property brought into the marriage by the other party or acquired separately as either a gift or inheritance is deemed to remain the property of the person concerned. The consent of both parties is required in relation to any decision affecting joint marital property. Debts and obligations incurred by one party during marriage are generally considered a joint obligation, and claims must be satisfied out of the joint property. Debts acquired prior to marriage continue as personal debts. The Marriage Law restricts the definition of 'a legal child' to one born in wedlock. Children born out of wedlock are considered to have a civil law relationship with their mother and her family only. Children are considered minors up to the age of 18 or until they are married (in the case of young women marrying before the age of 18).

3.22 The *Compilation of Islamic Law* (1991) sought to promote consistency in the application of *sharia* in relation to personal status matters. It limited the rights of Muslim husbands to unilateral divorce (*talak*) by requiring courts to hear all divorces, and regulated rights to spousal maintenance and child support after divorce. The Compilation details eight grounds for divorce for Muslim couples: adultery, intoxication, drug addiction, or gambling; desertion (of two years or more); imprisonment (for five years or more); cruelty or severe ill-treatment which endangers the life of the spouse; an acute illness preventing a spouse from

fulfilling their marital duties; a protracted dispute; violation of a conditional *talak* by the husband; or the conversion of a spouse from Islam to another religion. Divorce procedures for members of other religions also require a court process and grounds for divorce largely consistent with those for Muslims.

Blasphemy/ Defamation of Religion

3.23 Indonesian law has included provisions on blasphemy and defamation of religion since 1965, when President Sukarno enacted a presidential decree which subsequently became Article 156(a) of the Criminal Code in 1969 (the 'Blasphemy Law'). Article 156(a) criminalises 'deviation' from the six recognised religions as well as acts or words deemed 'hostile to God' (without defining which one). The 2008 Electronic Information and Transaction (ITE) Law (see also [Media](#)) makes it an offence to deliberately disseminate information aimed at inflicting hatred towards individuals or groups based on ethnicity, religion or race (Article 28(2)).

3.24 Blasphemy cases were rare during the New Order period and in the years immediately following its end – the first three Presidents in the democratic era did not use the Blasphemy Law. The number of blasphemy cases rose under President Yudhoyono: according to Amnesty International, 106 individuals were imprisoned under the blasphemy laws between 2005 and 2014, more than ten times the number convicted during the 31 years of President Suharto's rule. This number may understate the actual number of blasphemy cases in the Yudhoyono era, with many allegations resolved outside the court system including through pressure on accused individuals to repent.

3.25 Commentators have identified a range of reasons for the rise in blasphemy cases since Yudhoyono's presidency. These include the growing assertiveness of conservative Islamic organisations and individuals, and a willingness to accommodate such groups politically; increased legal legitimacy of the blasphemy laws after a failed Constitutional Court challenge in 2009; and a general trend towards legal regulation of religion.

3.26 The Jakarta-based Setara Institute reports that 88 of 97 blasphemy cases since 2004 were brought by Muslims against non-Muslims. Blasphemy laws have also been used against individuals from 'sects' i.e. those whose beliefs differ from the mainstream interpretations of the six recognised religions. For example, in March 2017, a court in East Jakarta sentenced three former members of the *Fajar Nusantara* (*Gafatar*) Movement (see [Fajar Nusantara Movement \(Gafatar\)](#)) to between three and five years' jail for blasphemy after convicting them of converting people to practise a 'deviant' version of Islam. Blasphemy charges have also been brought against atheists: in 2012, a civil servant who revealed his atheism on Facebook received a prison sentence. Blasphemy charges have, on at least one occasion, targeted people with LGBTI connections. In December 2015, a hotel employee in Bali received a six-month probationary sentence for selling a vacation package to a gay couple who held a 'marriage blessing ceremony' at the hotel.

3.27 Indonesia's highest profile recent blasphemy case to date involved the former Governor of Jakarta, Basuki Tjahaja Purnama ('Ahok'), a Christian belonging to the ethnic Chinese minority. Ahok received a two-year prison sentence in May 2017 for suggesting in September 2016 that some Islamic clerics had deceived people by claiming a Koranic verse prohibited Muslims from electing a non-Muslim leader. A series of mass demonstrations took place across the country in following months to demand Ahok's arrest; up to 500,000 people assembled in Jakarta at the largest of these in December 2016. Several hard-line groups played a prominent role in the rallies. Although prosecutors had sought conviction on a lesser charge than blasphemy, and there had been a popular expectation that he would escape a prison sentence, a panel of five judges found that Ahok clearly understood the sanctity of the Koran but had still intentionally made a statement that insulted religion.

3.28 In the wake of the Ahok verdict, some civil society organisations have renewed calls for the government to repeal the blasphemy laws on the grounds that they can be used as a political tool, are

applied in a discriminatory manner against religious minorities, and impinge on freedom of expression and religion. However, past challenges to blasphemy laws have failed in the Constitutional Court, and there is no evidence to suggest the government will seek to reform or abolish them in the near future. DFAT assesses that the prospects for repealing or amending the blasphemy laws remain low, and that they will continue to be used.

Sharia in Aceh

3.29 Under the terms of a 2005 peace agreement that ended a separatist conflict in Aceh, the province has special authority to implement *sharia* regulations and related penalties in cases unrelated to religion, including economic transactions and criminal cases. The province also has the power to pass local regulations based on its specific local systems and conditions without requiring central government approval. Although some local regulations based on *sharia* have been in place since 2001, the *Sharia Criminal Code* only went into full effect in Aceh in October 2015.

3.30 The number and restrictiveness of local regulations based on *sharia* have increased in Aceh in recent years. Local regulations place prohibitions on the use of alcohol, close proximity with members of the opposite sex, gambling, and homosexuality (see [Sexual Orientation and Gender Identity](#)); impose strict dress codes based on 'Islamic attire', and enforce curfews on women. Since 2005, punishments for violations of the regulations have included public canings (see [Corporal Punishment](#)).

3.31 In September 2014, Aceh's parliament passed a local regulation, which includes *sharia* punishments. It came into effect in October 2015. It is unclear the extent to which these punishments apply to non-Muslims, although some examples exist: in April 2016, a Christian woman received 28 strokes of the cane for selling alcohol; and in March 2017, two Buddhist men received nine and seven lashes respectively for gambling on cockfighting. On occasion, non-Muslims in Aceh have reportedly chosen *sharia* punishment due to its swifter application of justice, and because it lessens the economic impact of imprisonment on families.

3.32 Local and international NGOs have expressed concern that some provisions of the local regulations actively discriminate against women. Islamic dress requirements place far more onerous restrictions on women than on men; women-only curfews restrict women's freedom of movement and ability to access employment; and women are more likely than men to be targeted by so-called *sharia* police for violations of the 'close proximity' and 'adultery' regulations. Some *sharia* police have interpreted the latter regulations as prohibiting sitting and talking in a quiet space with a member of the opposite sex to whom one is not married or related, even with no evidence of intimacy. The regulations specifically exempt spousal rape from criminality, despite the fact that this was the most common form of sexual assault in the province at the time of the introduction of the regulations. NGOs claim that broad wording of some regulations – for example, requiring Islamic dress without defining what this entails – encourages vigilantism by encouraging individuals to adjudicate the behaviour of their neighbours.

3.33 In early 2017, the Constitutional Court issued two rulings curtailing the ability of the central government to revoke regional by-laws, including those based on *sharia*. Previously, under the *Law on Local Government* (2014), the Home Ministry and regional governors had the power to cancel local regulations that breached central government laws or the public interest. In June 2016, President Widodo announced that the government had annulled 3,143 local regulations, primarily because the regulations were considered to have impeded investment. The Minister for Home Affairs subsequently confirmed the government had not cancelled any local regulations inspired by *sharia*. Human rights activists have expressed concerns that the Constitutional Court's 2017 rulings may lead to an increase in the number of

sharia-inspired regulations in other parts of the country, and to stricter enforcement of regulations already in place. As of December 2017, DFAT was not aware of any instances where this had occurred.

3.34 DFAT assesses that local regulations in Aceh (and elsewhere) based on *sharia* have the effect of discriminating against women, minorities and LGBTI individuals.

Christians

3.35 Christianity is Indonesia's second-largest religion after Islam. Approximately 24 million Indonesians listed their religion as Christian (including both Protestants and Catholics) in the 2010 census. While there are Christians located throughout Indonesia, Christianity tends to be strongest in the eastern provinces: the Papuan provinces; East Nusa Tenggara and North Sulawesi have predominantly Christian populations. While more Indonesian Christians are Protestant than Catholic, some areas (such as the island of Flores) are strongly Catholic. The current Widodo Cabinet includes five Christians (four Protestants and one Catholic). There are currently five Christian Governors (Catholics in West Kalimantan and East Nusa Tenggara; Protestants in North Sulawesi, Papua, and West Papua), while the previous Governor of Jakarta was a Protestant (see [Blasphemy/ Defamation of Religion](#)).

3.36 As members of an officially recognised religion, Christians are generally able to practise their faith freely throughout Indonesia. However, Christians residing in some areas, particularly where hard-line Islamist groups are more influential (such as Aceh, and parts of East and West Java) have occasionally been prevented from worshipping, including through forced church closures and the disruption of church services. In some cases, the Christian community have faced difficulties in accessing protection from local authorities, including in upholding court orders. In 2017, the United States Commission on International Religious Freedom reported a 2008 case in Bogor, West Java, where after pressure from conservative Muslims, local government officials suspended a church's permit. The church remained closed despite a 2010 Supreme Court ruling ordering its reopening. In late 2016, the parties reportedly reached an agreement whereby the church could re-open provided a mosque was built on church grounds.

3.37 Low-level terrorist attacks, including by actors inspired by Islamic State, have occurred against Christians, although they are rare and have tended to be opportunistic and isolated.

3.38 As noted in [Blasphemy/ Defamation of Religion](#) and [Ethnically Chinese Indonesians](#), hard-line groups used Ahok's religion and ethnicity as a means to mobilise large crowds of demonstrators in late 2016. Although Ahok's conviction raised some fears of a religiously motivated backlash against the Christian community, no significant incidents subsequently took place.

3.39 DFAT assesses that Christians residing in areas where they are a majority do not face either official or societal discrimination. Christians residing in areas where conservative Islam is prevalent face a low risk of societal discrimination in the form of impediments to worship, although this risk is unlikely to include violence. DFAT assesses that the risk to Christians from terrorism is no higher than to other Indonesians.

Ahmadiyah (Ahmadis)

3.40 Approximately 400,000 Ahmadis live in Indonesia, particularly in West Java, although estimates vary considerably. The Ahmadiyah faith is an offshoot of Islam, established in the 19th century. Ahmadis observe the five pillars of Islam, worship according to the Koran, and self-identify as Muslims. However, Ahmadis believe that their founder succeeded Muhammed as the embodiment of the spirit of the Prophet incarnate. This belief differs from conventional Islamic doctrine, which does not allow for the possibility of a prophet after Muhammed. Indonesian Ahmadis face consistent pressure to cease self-identifying as Muslims.

3.41 A number of measures taken at the national, provincial and district level restrict the ability of Ahmadis to follow or propagate their religion. In 2005, the Ulema Council issued a *fatwa* declaring the Ahmadiyah faith heretical, and calling for a nationwide ban. The government issued a Joint Ministerial Decree in 2008 that permitted the Ahmadis to continue to worship, but prohibited them from spreading their faith with violations incurring a maximum five-year prison sentence. Some provinces have banned all Ahmadi activities, and ordered the closure of Ahmadi mosques. Strong pressure from Sunnis in West Java has led to authorities routinely closing Ahmadi mosques. DFAT understands that access to Ahmadi mosques is generally better in other parts of the country, including Jakarta.

3.42 While sub-national governments are responsible for law and order, the Constitution stipulates that they may not interfere in religious affairs. Some sub-national governments have therefore argued that Ahmadi activities constitute a threat to local public order and therefore come within their authority. Ahmadis claim that local regulations infringe the central government's mandate regarding religious affairs. The legal situation set out by the 2008 Joint Ministerial Decree is uncertain: the decree recognised Ahmadis as a legitimate legal entity with a right to worship, but simultaneously banned them from spreading their faith, and did not set out clearly what was permitted and prohibited.

3.43 Groups of people have attacked Ahmadi mosques and worshippers in recent years, including in Banten province in February 2011 when a group beat three Ahmadis to death. Ahmadis also remain internally displaced in West Nusa Tenggara province after mobs violently forced them from their homes in 2006. Cases involving extreme physical violence are generally historic rather than contemporary. However, Ahmadis continue to report that violent groups have prevented access to their mosques during Friday prayers, with police providing little to no assistance. Some Ahmadis have reported difficulties in obtaining identity cards (which list the bearer's religion) from local authorities who refuse to accept the Ahmadis' nomination of Islam. This has restricted their ability to access government services, including health care.

3.44 DFAT assesses that Ahmadis face a low risk of official discrimination in the form of national, provincial and district-level regulations restricting them from practising their faith freely and, in some cases, preventing them from obtaining government services due to the non-provision of identity cards. Ahmadis residing in areas where conservative Islam is prevalent face a moderate risk of social discrimination that may include physical and verbal threats and harassment, and being prevented access to their places of worship.

Shi'a

3.45 The US State Department estimates that between one and three million Shi'a Muslims live in Indonesia, mostly in Jakarta, Bandung and Makassar. Elements of Shi'ism have been part of Indonesia's cultural and religious identity for centuries, and relations between Sunnis and Shi'a have historically been peaceful. However, like Ahmadis, Shi'a have come under attack by conservative and hard-line Sunni organisations in the democratic era for practising a 'deviant' form of Islam. Discrimination against Shi'a has taken a number of forms, including physical and verbal threats and harassment, stone throwing at Shi'a houses, and online slurs. The only Shi'a Member of Parliament was the subject of a smear campaign in the lead-up to the April 2014 parliamentary elections. In October 2015, the Mayor of Bandung banned the commemoration of Ashura (Shi'a Islam's holiest event), while protesters also interrupted commemorations in Bandung.

3.46 In a widely reported incident in August 2012, around 500 people attacked members of the Shi'a community in Madura, East Java, resulting in one death and several injuries. According to the US State Department, approximately 300 people remain displaced because of the incident. However, DFAT is not aware of any more recent events of this degree of seriousness.

3.47 DFAT assesses that Shi'a residing in areas where conservative Sunni Islam is prevalent face a moderate risk of social discrimination that may include physical and verbal threats and harassment and being prevented access to their places of worship. This risk is comparable to that faced by Ahmadis.

Fajar Nusantara Movement (Gafatar)

3.48 The *Fajar Nusantara Movement (Gafatar)* was a spiritual and social movement dedicated to following the 'Millah Abraham' religious belief, an ideology that combines teachings of Islam, Christianity and Judaism. According to its followers, *Gafatar* members did not conduct any religious rituals but rather used the Millah Abraham ideology as motivation to promote environmental protections and health care initiatives such as blood donation drives. At its peak, *Gafatar* reportedly had approximately 12,000 members living in small communities across Indonesia.

3.49 Many Indonesians reject the Millah Abraham ideology as being heretical due to its combination of religious teachings. In early 2016, media reports of allegations by relatives of *Gafatar* members that the group had engaged in abductions and forced recruitment increased public suspicion and animosity.

3.50 In January 2016, locals looted and destroyed a *Gafatar* compound in West Kalimantan province. Human rights groups claim that security forces did not intervene. Following the attacks, government officials transferred at least 2,000 *Gafatar* members to unofficial detention centres, before moving them to several locations in Java. Members claimed they were subjected to re-education sessions to 'return them to the true religious path'. Some claimed that authorities had confiscated and not returned their identity cards. Local groups claim authorities sold the land occupied by the destroyed *Gafatar* compound to foreign developers, and did not offer the group any compensation. According to the *Gafatar* community, authorities have also forcibly evicted up to 8,000 *Gafatar* members from various sites in East, West and North Kalimantan in similar circumstances.

3.51 In February 2016, the Minister of Religious Affairs, Attorney General and Minister of Home Affairs issued a Joint Ministerial Decree (No. 93/2016) formally banning the organisation. The Joint Ministerial Decree forbids ex-members or sympathisers of *Gafatar* from performing activities and from disseminating or interpreting any teaching that deviates from the basic teaching of Islam. A court convicted three *Gafatar* leaders in March 2016 of blasphemy under Article 156(a) of the Criminal Code (see [Blasphemy/ Defamation of Religion](#)), and sentenced them to between three and five years' imprisonment. As of November 2017, the sentences were under appeal. The court acquitted the three of treason.

3.52 The significant media coverage given to the Joint Ministerial Decree and the events leading up to it has had the effect of stigmatising the group as heretics, hampering the efforts of former members to rebuild their lives through secure employment and housing. DFAT is not aware of any cases in which former *Gafatar* members have faced societal violence owing to their affiliation with the organisation.

3.53 DFAT assesses that former members of *Gafatar* face a high risk of official discrimination, as they are unable to practise their faith freely, and risk official harassment, arrest, detention and prosecution should they attempt to do so. DFAT assesses that former *Gafatar* members face a moderate risk of societal discrimination as labelling the group as heretics has significantly hampered members' ability to gain secure jobs and housing.

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.54 Indonesia has made impressive democratic gains in the post-New Order era, establishing pluralism in politics and the media, and undergoing multiple peaceful transfers of power. Articles 28E and 29 of the

Constitution guarantee Indonesians the freedom to practise their faith and to express views and thoughts in accordance with their conscience, the freedom to associate, to assemble and to express opinions, and freedom of worship according to their own religion or belief.

3.55 However, there are limits in practice to the exercise of these rights. A range of non-violent offences attract lengthy prison terms, including defamation, libel, insult (including against the President and Vice-President), and the spread of communist teachings in public.

3.56 Freedom of expression is restricted on a number of issues, discussed in further detail in relevant sections of this report. The issues include religious expression outside of the six officially recognised religions (see [Religion](#)), open expressions of support for separatism (see [Secessionists](#)), criticism of state institutions and the *Pancasila* state ideology (see [Pancasila](#)), promotion of communism (see [Civil Society Organisations \(CSOs\)](#)), and promotion of LGBTI-related issues (see [Sexual Orientation and Gender Identity](#)).

Secessionists

3.57 The Indonesian government has historically taken an uncompromising stance against political movements that threaten the country's territorial integrity. Individuals engaging in separatist activities can be charged with 'rebellion' under Article 106 of the Criminal Code, which carries a 15-year prison sentence. Government Regulation 77/2007 on 'Regional Symbols' bans the display of separatist symbols, and specifically lists the flags used by separatist movements in Aceh, South Maluku and the Papuan provinces.

3.58 The 2005 peace agreement between the Indonesian government and the Free Aceh Movement (GAM) effectively resolved the question of Acehnese secession, with many prominent members of the GAM leadership now members of the Acehnese provincial government. Aceh's legislature controversially passed a regulation in 2013 making the outlawed 'Crescent Moon' flag the province's official flag. While the central government has repeatedly said it does not accept the provincial flag, DFAT is not aware of any cases where persons raising the flag have been subsequently arrested or subjected to discrimination. DFAT assesses that people previously affiliated with the GAM are not subject to official discrimination.

3.59 The Maluku Islands in eastern Indonesia divided into the provinces of North Maluku and Maluku. In 1950, the predominantly Christian south declared itself independent as the Republic of South Maluku. While the Indonesian military put down the rebellion, a sporadic armed struggle continued until 1963. A government-in-exile continues to exist in The Netherlands, although it has reportedly abandoned the quest for independence. According to the US State Department, at least nine South Maluku secessionists are currently serving lengthy prison sentences for treason, for offences related to their display of the banned Republic of South Maluku flag and calls for independence. DFAT assesses that South Malukuans who openly advocate secession from Indonesia, including through displaying the banned flag, face a high risk of official discrimination in the form of harassment and legal sanction, which may include treason charges.

Secessionists in the Papuan provinces

3.60 The Dutch refused to include the western half of New Guinea island, now the provinces of Papua and West Papua ('the Papuan provinces'), in the new Indonesian state at independence in 1949. Indonesia, however, regarded the provinces as an intrinsic part of the country on the basis that Indonesia was the successor state to the former Netherlands East Indies. An agreement in 1962 facilitated control of the provinces to Indonesia in 1963, and stipulated that a popular plebiscite would determine whether the population would choose to remain with Indonesia or would seek self-determination. In 1969, the Indonesian government nominated 1022 tribal representatives to vote in an 'Act of Free Choice', a process

the United Nations (and Australia) recognised. The vote was unanimous in favour of integration into Indonesia.

3.61 The New Order regime followed a security first approach to governing the Papuan provinces (formerly known as Irian Jaya). Human rights observers have documented a number of serious human rights abuses committed by security forces during this period that, for the most part, remain unresolved. The end of the New Order regime and the dual processes of democratisation and decentralisation that followed resulted in a major shift in the central government's approach to the Papuan provinces, with successive governments focused increasingly on accelerating development. In 2001, the *Special Law on Autonomy* acknowledged the human rights abuses of the New Order era and granted Papua a range of formal political, economic and cultural rights, including the provision of additional funding to facilitate development.

3.62 Between 2002-2014, the Papuan provinces received approximately AUD 5.7 billion from the central government, more (in absolute terms) than any other province in Indonesia. President Widodo has identified Papuan development as a key government priority and he has visited on many occasions. Policy achievements to date include lowered prices for basic goods, improved transport infrastructure, and increased access to education. He has also released a number of political prisoners and has encouraged a greater level of openness.

3.63 Ethnic Papuans currently lead both Papuan provinces and the districts within them, and regional legislatures have strong Papuan representation. There is currently one Papuan cabinet minister in the national government.

3.64 Due to the rugged terrain and limited infrastructure, the capacity of government to deliver basic services is poor, particularly in remote and geographically challenging highland areas. The central government is currently building a series of highways that will connect the north and south coasts with the highlands and with West Papua province.

3.65 Despite increased state funding, the Papuan provinces continue to rank among the lowest in Indonesia on a range of developmental indicators, particularly infrastructure, education and health. Papua province has some of the lowest school enrolment rates in Indonesia (42.5 per cent at senior secondary level in 2014 compared to a national average of 78 per cent) and adult illiteracy (36 per cent in Papua in 2012 compared to 4.5 per cent nationwide). Health indicators in Papua province are poor – Papuans suffer from the highest rates of overall early mortality, maternal and child mortality, HIV/AIDS and tuberculosis prevalence, and malnutrition. Diseases such as leprosy, filariasis (elephantiasis), and yaws that are largely eradicated elsewhere in Indonesia continue to exist in the Papuan provinces.

3.66 While reliable statistics are hard to come by, DFAT assesses as credible estimates that non-Papuans make up at least 40 per cent of the population, and are in the majority in many urban areas in the Papuan provinces. While the transmigration program to the Papuan provinces ended in 2015, some ethnically Papuan Indonesians dislike the presence of Indonesians from other parts of the archipelago.

3.67 While the security situation in the Papuan provinces has improved since the New Order period, a significant police and military presence remains. Reports of human rights abuses committed by security forces continue - a March 2016 report from a Komnas HAM commissioner (Natalius Pigai) found there had been at least 700 cases of 'arrests, mistreatments and killings' in the Papuan provinces involving security personnel since December 2014.

3.68 Papuan independence supporters can be broadly divided into three groups.

- Several small, low-capability armed groups self-identify as the armed wing of the 'Free Papua Movement' (OPM) but appear to operate entirely independently of one another. Their activities are

limited to sporadic low-level attacks against police or military targets. These groups are based primarily in the Highlands and the border areas with Papua New Guinea.

- A small number of hard-line political activists actively push for an independence referendum. These activists have historically been highly factionalised.
- Ethnic Papuans dissatisfied with the status quo may express support for independence but are not likely to engage in violence.

3.69 Indonesian authorities take a firm stance towards the first two categories of pro-independence supporters. Violent exchanges between OPM groups and security forces have resulted in the deaths of civilians, security forces (both police and military) and OPM members. According to the Indonesian National Violence Monitoring System, there were 152 incidents relating to separatist conflict in Papua province between 2011-14, accounting for 118 deaths and 188 injuries, while six incidents in West Papua province over the same period accounted for four deaths and 28 injuries.

3.70 The political pro-independence movement held a number of rallies across Indonesia in late 2016. On 1 December (the anniversary of the first raising of the Morning Star flag in 1961), several hundred people gathered in Jakarta to call for an independence referendum. Police used water cannons to disperse the crowd and arrested over a hundred protesters, releasing most within 24 hours. Activists held further rallies on 10 December (International Human Rights Day) in the Highlands town of Wamena, and on 19 December (marking 55 years since the beginning of the Indonesian military campaign to seize Papua from Dutch rule) in various locations across Indonesia. In all cases, police responded with mass arrests both in the lead-up to and during the events. Police arrested fourteen activists in the West Papuan capital of Manokwari on 26 November for handing out pamphlets advertising the 1 December protest, while 18 activists were detained on treason charges in Jayapura on 9 December for spray-painting 'Morning Star' independence flags.

3.71 Human rights reporting from 2016 claimed that 51 people from the Papuan provinces were in prison under treason and conspiracy statutes for actions related to the display of banned separatist symbols (including the 'Morning Star' flag), with many serving lengthy sentences. Local NGOs have reported that security forces attend most public and private events in the Papuan provinces, photographing the attendees and using their presence as a means of intimidation. Other human rights reporting claims security forces also monitor activists, lawyers, students and foreign visitors (including the UN Special Rapporteur for Health, who visited in April 2017).

3.72 Notwithstanding claims of monitoring, local NGOs report that Papuans are generally able to discuss freely the prospects and benefits of an independence referendum, while many activists are able to run offices in the Papuan provinces and Jakarta and to leave and return to Indonesia without incident. Several prominent Papuan organisations, activists, and community and church leaders have publicly expressed their support for an independence referendum without apparent consequence.

3.73 DFAT assesses that Papuan independence advocates who openly and actively push for secession from Indonesia, including through displaying the banned flag, face a high risk of official discrimination in the form of official monitoring, harassment and legal sanction, which may include treason charges. Ordinary Papuans who support independence but are not active participants in the independence movement are unlikely to face official sanction.

GROUPS OF INTEREST

Civil Society Organisations (CSOs)

3.74 Indonesia hosts a strong and active civil sector that has expanded greatly since the end of the New Order regime. Civil society organisations (CSOs) regularly conduct activities on a wide range of social, cultural, political and economic issues, including human rights. CSOs are generally able to conduct their activities without significant government interference. Authorities generally uphold the freedom of assembly, and peaceful protests are common in Jakarta and other cities. Workers can join independent trade unions, bargain collectively, and (with the exception of civil servants) stage strikes.

3.75 However, organisations working on some issues have reported experiencing government monitoring and other obstructionism, including threats and harassment. As noted in Sexual Orientation and Gender Identity, LGBTI advocacy organisations have reported an increased tendency by police to close down their events. Organisations with connections to secessionist movements – particularly in Papua – are likely to attract adverse official attention and/or sanction. Official and unofficial censorship has long been in place regarding the anti-communist purges in 1965-66 (see Recent history). Although discussion of these issues has been more open in recent years, it remains the most traumatic event in Indonesia's history. Authorities have continued to force closure of events: one civil society report alleged authorities shut down 17 screenings and 29 discussions with communist or 1965 themes in 2015-16. According to the Southeast Asia Freedom of Expression Network, almost three-quarters of the 58 violations of freedom of expression and assembly it recorded in 2015-16 related to communism.

3.76 In recent years, the government has introduced a number of measures that have acted to restrict the operational space for CSOs. The *Law on Mass Organisations* (2013) requires all civic and religious CSOs to register with the government and submit to regular reviews of their activities. The law limits the types of activities CSOs can undertake, requires them to obtain formal government approval to operate, sets out the process for dissolving organisations, and bans them from committing blasphemy or espousing ideas that conflict with the principles of *Pancasila*, including atheism and communism (see also Pancasila). In July 2017, in order to ban the extremist group Hizbut Tahrir, President Widodo issued an interim emergency regulation that expanded the government's powers to disband organisations, including by granting the government power to dissolve organisations without first being required to seek court approval. Parliament passed the interim emergency regulation into legislation in October 2017.

Media

3.77 Press freedoms in Indonesia have expanded extensively in the democratic era. Article 28 of the Constitution provides the right to express written and oral opinions within the limit of the law. The *Press Law* (1999) outlines the principles, functions, rights, obligations and roles of the press. Article 4 of the law guarantees freedom of the press, and prohibits censorship or broadcasting restrictions. In practice, however, there are some legal and regulatory restrictions that can impede press freedoms, particularly in relation to the subjects outlined in Political Opinion (Actual or imputed). Journalists attempting to cover human rights issues in the Papuan provinces claim to be subject to close monitoring and intimidation, while foreign journalists face regulatory hurdles to gain permission to visit. Overt or personal criticism of the President is considered to be anti-*Pancasila* (speaking out against the nation) and inflammatory. Books and films are subject to censorship and self-censorship for allegedly obscene or blasphemous content. Freedom House ranked Indonesia as 'partly free' in its Freedom in the World and Freedom on the Net reports for 2017 although this ranking was higher than many other regional countries.

3.78 Indonesia's media sector has expanded significantly since the end of the New Order regime. Indonesia now has hundreds of television stations (including cable), more than 2,000 radio stations, and 1,000 newspapers, and numerous web-based media outlets. Six major media conglomerates own and operate most of these media outlets. The number of reporters increased from about 15,000 during the New Order regime to at least 100,000 in 2017. While only 40 per cent of Indonesians use social media, their enthusiasm has pushed Indonesia into the top five countries on Facebook and Twitter. Internet penetration nationally has grown to 51 per cent. Social media has played an increasingly important role in raising awareness of political and social issues, and in mobilising mass campaigns. Licensing rules are stringent but unevenly enforced, and many television and radio stations operate illegally.

3.79 The Press Law provides explicit protection for journalists, including up to two years in prison and fines of IDR 500 million (AUD 50,000) for anyone who physically attacks a journalist. However, media advocacy organisations have reported an increase in assaults on journalists over the past two years. The independent Alliance of Independent Journalists (AJI) reported that there were 78 such incidents in 2016, compared with 42 in 2015 and 40 in 2014. AJI found that the attackers were brought to justice in only a few cases. Recent high profile attacks against journalists include:

- an assault by military personnel against a newspaper reporter covering a land rights protest by residents in Medan near an Air Force base in August 2016, in which the reporter was beaten and kicked and had his cell phone seized;
- an assault by soldiers on a television journalist filming a traffic accident in October 2016, during which the reporter was punched and threatened and had his camera and memory card destroyed;
- an attack by Islamist demonstrators on two journalists attempting to cover an election rally in Jakarta in February, in which the journalists were beaten, kicked, hit with water bottles and bamboo poles, and chased from the location.

3.80 The *Electronic Information and Transactions (ITE) Law* (2008) provides the basis for internet governance, and places considerable limitations on freedom of expression. Under the law, authorities can prosecute individuals for transmitting or distributing online material that is 'against propriety' or constitutes an 'affront and/or defamation'. In September 2016, the Jakarta Post estimated that around 179 people – an average of four per month – had been prosecuted for online defamation since 2008. In 36 per cent of the cases, the alleged defamation had involved criticisms of the government or reports of corruption, while a further 40 per cent of cases involved individuals expressing dissatisfaction with services. Credible media sources have told DFAT that the threat of pre-trial detention in defamation cases can lead journalists to practice self-censorship in their reporting.

3.81 In October 2016, the DPR passed a series of amendments to the ITE Law that strengthen the government's authority to control internet content. Key amendments include enhanced powers for civil investigators to block content without approval from a court or other government approval process, and criminalisation of 'cyber-bullying' (punishable by up to four years' imprisonment). The revisions also give the government specific powers to protect the public interest through the removal of 'negative content', including the blocking of websites. While the law itself does not define what this entails, Ministerial Decree 19/2014 lays out two criteria: pornography and 'other illegal activities inconsistent with Indonesia's laws and regulations'. Websites can be blocked based on public complaints, reports from other government agencies (including the police), and internal investigations by the Ministry of Communications and Information Technology. There is no judicial oversight, and no legal recourse for unblocking a website once blocked.

3.82 DFAT assesses that Indonesian journalists are generally able to operate without interference. However, if attempting to cover the subjects outlined in [Political Opinion \(Actual or imputed\)](#) Political Opinion (Actual or imputed), journalists may feel pressured to self-censor their reporting to avoid the risk of

legal sanction or violence. Journalists and ordinary citizens who criticise the government online face a moderate risk of legal sanction.

Women

3.83 Women participate in all areas of Indonesian society. Indonesia has previously had a female President (Megawati Soekarnoputri) and the present Cabinet contains nine female Ministers (out of 34), including the country's first female Foreign Minister. However, societal, cultural and religious barriers limit the extent of that participation. Indonesia ranked 113th (out of 188) on UNDP's 2015 Gender Inequality Index, which is a composite measure reflecting inequality in achievement between women and men in relation to reproductive health, empowerment and the labour market.

3.84 The government has made various efforts to promote women's rights. Indonesia has ratified the *Convention for the Elimination of Discrimination Against Women*, which is the legal basis for the elimination of all forms of discrimination against women. There are considerable legal protections for women in many areas, including on personal safety, participation in the workforce, and mandatory schooling for girls. A 2000 Presidential Decree required all government bodies to mainstream gender into planning and budgeting processes. However, local NGOs report little practical commitment to identifying talented women or developing skills. As noted in *Sharia in Aceh*, sharia-based regulations in Aceh and other jurisdictions infringe on women's constitutional rights.

3.85 Although a 2008 law required that 30 per cent of a political party's candidates and board members must be women, the proportion of seats held by women in the national parliament has remained steady over the past five years at around 17 per cent. In part this reflects a popular view that politics is a male occupation: female candidates face considerable difficulties in gaining financial support to campaign, and in securing winnable positions on party lists.

3.86 Despite steady economic growth and increased urbanisation, the participation of women in the workforce has stagnated in recent decades at just over 50 per cent (compared with 73 per cent in Vietnam and 64.3 per cent in Thailand). Participation is lowest for married women and women with children. Cultural norms play a part in the strong gender segregation of industries. A large percentage of women who work do so in the informal sector, particularly in low paying and low-skilled sectors such as agriculture, trade and retail. Migration to foreign countries for employment opportunities is an important source of income for Indonesian women.

3.87 Women and girls suffer from serious levels of violence and other harmful practices. A nationwide survey carried out by Indonesia's Central Statistics Agency in 2016 revealed that two in five Indonesian women had experienced either physical, sexual, emotional or economic violence in their lifetime, while 16 per cent had experienced at least one of these forms of violence in the past year. Over 33 per cent of women aged 15 to 64 years had experienced physical or sexual violence in her lifetime, and approximately a quarter of married women had experienced violence at the hands of their husbands. The survey found that women living in urban areas and with higher levels of educational attainment were more likely to report experiencing violence than those in rural areas.

3.88 According to the National Commission on Violence against Women, most sexual violence occurs in remote areas and villages, including gang rapes. Many victims are reluctant to report rapes due to cultural stigma, while a high burden of proof and weak legal definitions make it difficult to prosecute rapists or other sex offenders. Police reportedly often focus on the victim's dress and behaviour when investigating cases of sexual assault.

3.89 Indonesia has made significant gains in reducing child marriage over the past three decades. However, at least one in six girls still marries before the age of 18, while in Sulawesi and Kalimantan the figure is one in three. Girls in rural areas and from poor backgrounds are particularly vulnerable to early or forced marriages. There is an inconsistency between the Marriage Law, which places the legal age of marriage with parental consent for girls at 16 (19 for boys) and the *Child Protection Law* (2014), which prohibits marriage before 18 under any circumstance. Parents are able to petition district-level religious judges or marriage officials for permission to marry their daughters at any age, with judges usually granting such petitions.

3.90 DFAT assesses that the majority of Indonesian women, regardless of religion and socio-economic level, face societal discrimination in that long-standing traditional values and gender roles continue to restrict their participation in the community and workforce.

Female Genital Mutilation/ Cutting (FGM/C)

3.91 Female genital mutilation/ cutting (FGM/C) is practised in Indonesia. In the vast majority of cases, traditional midwives carry out 'symbolic' procedures, which may include cutting. For some, the practice can involve the removal of some or all of the female external genitalia. UNICEF reported in 2016 that an estimated 60 million Indonesian females had undergone some form of FGM/C, including nearly half of Indonesian girls under the age of 11. The report, which drew on the Indonesian Ministry of Health's (MOH) 2013 National Basic Health Survey, found that FGM/C occurred across all socio-economic quintiles and all levels of education. Religious beliefs and tradition continue to drive the practice in high prevalence areas. Unclear national regulations, together with permissive local regulations, increased medicalisation and supportive religious teachings, have all contributed to the continuation of the practice of FGM/C.

3.92 Efforts to ban FGM/C have faced strong opposition from religious leaders. In 2006, MOH issued a decree prohibiting medical professions from undertaking FGM/C. However, a conservative backlash resulted in Indonesia's top Muslim clerical body issuing a religious decree in 2008 that described FGM/C as venerated, and any prohibition against it in conflict with *sharia*. The MOH issued another decree in 2010 (repealed in 2014) that permitted licensed doctors, midwives and nurses to practise FGM/C. The 2010 decree contributed to an increase in the severity of the practice – whereas traditional midwives had long carried out symbolic procedures involving minimal or no physical harm, professionals in health services were more likely to surgically remove some or all of the female external genitalia. Health providers have reportedly marketed female circumcision as part of a birth delivery package with other services such as immunisations. Although MOH repealed the 2010 decree in 2014, the practice remains legal and continues to occur.

Sexual Orientation and Gender Identity

3.93 The Penal Code does not criminalise homosexual acts or homosexuality itself. However, a number of national laws discriminate against the lesbian, gay, bisexual, transgender and intersex (LGBTI) community, including: the Marriage Law, which restricts marriage to between a man and woman only; the *Pornography Law* (2008), which criminalises the production of media depicting consensual same-sex sexual activities and classifies such activities as deviant; the *Population Administration Law* (2013), which permits only a choice of male or female on identity cards; and Government Regulation No.54/2007, which stipulates that adopting parents may not be a homosexual couple. Indonesia does not recognise sexual orientation or gender identity as grounds for protection in its anti-discrimination framework.

3.94 A number of local regulations around the country discriminate against the LGBTI community. The most serious of these is in Aceh, whose *sharia* Criminal Code permits up to 100 strokes of the cane and up to

100 months in prison for consensual same-sex acts. In May 2017, two men in Aceh received 83 strokes each in a public caning after vigilantes broke into their home and filmed them in bed together (see also [Corporal Punishment](#)). Other examples of discriminatory regulations include ordinances in the province of South Sumatra and the municipality of Palembang that criminalise same-sex sexual activity together with prostitution; and a local ordinance in Jakarta that requires security officers to consider any transgender person found in the streets at night to be a sex worker.

3.95 There is considerable social stigma against LGBTI individuals: a 2013 study by the Pew Research Center found that 93 per cent of Indonesians surveyed believed society should reject homosexuality. This stigma has contributed to a ‘don’t ask, don’t tell’ mentality. Although dozens of prominent Indonesians are ‘known’ to be gay or lesbian, including politicians and celebrities, or to have gay or lesbian family members, it is rare for this to be acknowledged publicly. There is considerable pressure on gay men and lesbians to enter into heterosexual marriages, and many lesbians are reportedly victim to ‘corrective rapes’. Family violence against LGBTI individuals is reportedly common. Those who are not outright hostile are likely to view LGBTI individuals as victims of mental illnesses in need of treatment and therapy. The acronym ‘LGBTI’ itself attracts considerable hostility from many Indonesians, who view it as a Western imposition.

3.96 LGBTI individuals generally avoid interaction with police where possible, as they believe police to be more likely to harass or blame LGBTI victims of crime than they are to provide access to justice. DFAT considers credible reports of cases where police have colluded with Islamist organisations in harassing the LGBTI community. Officials often ignore formal complaints from LGBTI victims in assault cases, particularly if the suspect had police connections.

3.97 Male to female transgender persons have long featured in traditional beliefs and cultural practices in parts of Indonesia. However, in many parts of Indonesia they are marginalised, subject to stereotyping as sex workers or criminals, and are vulnerable to violence from both the community and law enforcement. Transgender persons who do not undergo sexual reassignment surgery face considerable difficulties in obtaining identity cards, which leads to difficulties in obtaining stable employment, secure housing, public services and health care. Acceptance of transgender family members among relatives is generally low.

3.98 The early months of 2016 saw a rise in anti-LGBTI rhetoric from senior government officials and national institutions. In January 2016, after learning of the presence of a LGBTI support group on a University of Indonesia campus, the Minister for Research, Technology, and Higher Education called for a prohibition of LGBTI student organisations in universities, claiming they threatened national morals and norms. In February 2016, the Minister for Defence warned that the emergence of the LGBTI movement was part of a dangerous ‘proxy war’ that threatened Indonesia’s sovereignty. In the same month, the Indonesian Broadcasting Commission issued a statement recommending that all television and radio stations ban any programs promoting LGBTI activities in order to prevent children from learning about indecent behaviour. The Vice-President told media the National Development Planning Agency (BAPPENAS) had called for UNDP to cease funding support for LGBTI-related any programs relating to LGBTI issues. The Vice President did state, however, that LGBTI individuals were a part of the community, and further noted that Indonesia has had homosexual cabinet ministers.

3.99 Following high-level anti-LGBTI rhetoric in early 2016, advocacy groups reported an increase in incidents of discrimination and intimidation targeting the LGBTI community that has continued into 2017. A leading LGBTI advocacy group recorded 142 incidents in the first quarter of 2016, significantly higher than in previous years, while another group reported an increase in the number of violent incidents from an average of one per month to between three and five. High profile incidents include:

- a transgender Islamic boarding house in Yogyakarta was closed down for security reasons by local authorities in February 2016 after a complaint was lodged by an Islamist organisation;

- a popular online messaging application withdrew LGBTI emoticons in February 2016 following protests from internet users;
- police arrested 13 men in South Jakarta in November 2016 for allegedly holding a sex party after members of an Islamist organisation had stormed the apartment;
- in April 2017, police in Surabaya reportedly ordered 14 men to undergo HIV tests and arrested eight of them on charges of violating the Pornography Law;
- police detained 141 men after a raid on a men's gym and sauna facility in Jakarta in May 2017 after receiving a tip-off that the facility was a party venue used by gay men. Police prevented legal aid lawyers from accessing the men for several hours, and images of some of the men and their personal details were circulated on social media;
- the West Java police chief announced plans in May 2017 to create a special unit to detect and punish LGBTI people;
- in September 2017, police in West Java reportedly evicted 12 women suspected to be lesbians from a private home;
- in October 2017, police in Jakarta raided a sauna popular among gay men, detaining around 60 men (including foreigners). While police reportedly released the men the following day, authorities have subsequently charged employees and an owner of the sauna under the Pornography Law.


3.100 An environment of negative attitudes against the LGBTI community has reduced the ability of LGBTI advocacy organisations to conduct activities. Previously, organisations had been able to conduct low-key activities in public places in most provinces, particularly in relation to health issues, or in organising social and educational activities. Since early 2016, organisations have reported that police are likely to stop activities in order to 'prevent violence from occurring' (rather than protecting the activities from violent attacks from vigilantes). They have reported difficulties in obtaining permits to hold events, and in finding venues due to reluctance by venue managers to accept bookings.

3.101 LGBTI advocacy organisations have expressed particular concern about a petition lodged in the Constitutional Court by an Islamist activist group in July 2016 that seeks to amend a Criminal Code provision on same-sex acts (amongst other things). If successful, the review would make any adult who commits a same-sex act with another person liable for imprisonment for up to five years. As of the publication date, the Constitutional Court had not issued a decision in relation to the petition.

3.102 DFAT assesses that LGBTI individuals face a moderate risk of societal discrimination, with ongoing traditional views about sexuality and gender restricting their participation in the workforce and the broader community. Those perceived to be LGBTI may face a risk of violence, particularly if living in religiously conservative areas (both Muslim and Christian). LGBTI individuals face a moderate risk of official discrimination due to the national laws that discriminate against them based on their sexuality. Those living in Aceh face a high risk of official and societal discrimination.

People with Disabilities

3.103 In March 2016, Indonesia ratified the *Law on the Rights of People with Disabilities* (2016). The law mandated the establishment of a National Disability Commission, and recognised a broad range of rights for people with disabilities, including mandated employment targets for both state-owned enterprises and private companies. The new law represents a significant change in attitude away from a previous assumption that people with disabilities were incapable of full participation in society. However, people with disabilities can face administrative, institutional and societal barriers to accessing their rights. A view persists in some parts of the country and among certain groups that disability represents a punishment for sins or family misconduct. In extreme cases, the families of people with disabilities hide them in the home or in institutions. A March 2016 report from Human Rights Watch found that *pasung*, the practice of physically



restraining and confining people with mental illnesses was common in Indonesian homes and government-funded institutions. Civil society was heavily involved in the drafting of the law. However, some groups have been disappointed with the government's lack of progress on implementation, including failure to establish the National Disability Commission.

4. COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

Extra-Judicial Killings

4.1 A large number of cases of extra-judicial killings remain unresolved from the New Order period. Human rights groups, including Komnas HAM, continue to campaign for the resolution of these cases. President Widodo expressed a commitment to resolving these cases during the 2014 presidential election campaign, but progress has been limited.

4.2 While the general human rights situation in Indonesia has improved dramatically since the end of the New Order regime, police and military shootings still occur with relative frequency. Fatalities at the hands of security forces are difficult to estimate, and are likely under-reported in the media. Papua remains over-represented in terms of killings by security forces and of alleged human rights abuses in general. Terrorism suspects account for a high number of fatalities at the hands of security forces.

4.3 The Widodo administration has taken a hard-hitting and law enforcement-based approach to dealing with illegal drugs. The current administration ended the unofficial moratorium on the use of the death penalty with the execution of a number of (mainly foreign) drug smugglers (see [Death Penalty](#)). High-level officials, including the President, the National Police Chief and Head of the National Narcotics Agency, have called for law enforcement officers to take a tough approach to drug dealers and traffickers, including potential use of lethal force. Media have regularly reported cases of security officials shooting drug suspects. Amnesty International Indonesia reported that 80 drug suspects had been shot dead by law enforcement officers between January and September 2017, up from 18 in 2016.

Enforced or Involuntary Disappearances

4.4 Indonesia signed the Convention for the Protection of all Persons from Enforced Disappearance in 2010, but has not ratified it. There have been few documented cases of enforced or involuntary disappearance since the end of the New Order regime. However, there are several outstanding historical cases of enforced disappearance. Komnas HAM published a report in April 2012 that found that there were 32,774 missing persons from the 1965-66 anti-Communist purges. NGOs in Aceh have reported 1,935 persons still missing from the Aceh conflict, while Komnas HAM has reported 13 persons still missing in relation to student and pro-democracy action in 1997-98. Authorities have made little progress in accounting for those who disappeared in previous years or in prosecuting those responsible.

Deaths in Custody

4.5 Custodial deaths in Indonesia occur usually because of the unsanitary conditions of prisons, lack of medical treatment or criminal activities within the prison (see also [Detention and Prison](#)). According to government figures, 548 prisoners died in custody in the first half of 2016. Of these, 240 reportedly died of old age and natural causes, 30 from leptospirosis, five during a prison riot, and 50 of ‘other causes’.

DEATH PENALTY

4.6 Indonesian law allows for the use of the death penalty for a wide range of offences. Since 1999, executions have occurred only in cases involving pre-meditated murder, terrorism, and drug-related offences. The method of execution is firing squad. Individuals who receive a death sentence can apply to have their sentences overturned in the Supreme Court. Following the failure of an appeal, individuals can ask for a judicial review. If this review fails, individuals can ask for clemency from the Indonesian President. These stages are not set out in any single law, but have developed through convention and the application of a range of laws, court guidelines and presidential decrees. Amnesty International reports that Indonesian courts passed at least 60 death sentences in 2016 and at least 46 in 2015. There are at least 215 people currently under sentence of death in Indonesia.

4.7 Under former President Yudhoyono, Indonesia maintained an unofficial moratorium on the use of the death penalty from mid-2008 until executions recommenced in 2013. Since the inauguration of President Widodo in October 2014, Indonesia has executed 18 people - fourteen in 2015 and four in 2016. Fifteen of those executed have been foreign nationals convicted of drug-related offences. Indonesia’s most recent executions occurred in July 2016, when it executed three foreign nationals and one Indonesian man convicted of drug-related offences. Two of those executed had clemency applications pending at the time of their executions. Ten others obtained a last minute stay of execution to allow a review of their cases. In August 2017, the Ombudsman issued a finding of maladministration in relation to one of the foreign nationals executed in 2016 on the grounds that he had been executed while his clemency application was still underway, that he had not been given the required 72 hours’ notice of his execution, and that there had been discrimination in the treatment of his judicial review.

4.8 Foreign and domestic critics of Indonesia’s use of the death penalty have argued that many of those convicted of capital offences do not have adequate legal representation at the beginning of the process; that court proceedings often do not meet international fair trial standards; that the death penalty is applied unevenly; that offenders who were juveniles at the time their crime was committed remain under sentence of death; that people with mental or intellectual disabilities have been executed or remain under sentence of death; and that people continue to be sentenced to death or executed for crimes that did not involve intentional killing, and therefore did not meet the threshold of ‘most serious crimes’ as prescribed by Article 6 of the International Convention on Civil and Political Rights.

4.9 In November 2016, journalists reported that President Widodo has indicated that Indonesia was moving towards abolishing the death penalty. However, local interlocutors report strong popular support in Indonesia for the death penalty, particularly in drug-related cases, and little public or political appetite for its abolition. In October 2016, parliament approved amendments to the Child Protection Law that added certain child sex offences to the list of crimes punishable by the death penalty.

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

4.10 Article 28G (2) of the Constitution stipulates that every person shall have the right to be free from torture or inhumane or degrading treatment. Indonesia has signed the *Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment* (1987), but has yet to sign or ratify its Optional Protocol. Indonesia's Criminal Code does not explicitly prohibit torture, although it criminalises the use of violence or force by officials to elicit a confession, with punishments of up to four years' imprisonment.

4.11 Individual and joint submissions to the UN Human Rights Council's May 2017 Working Group on the Universal Periodic Review claimed that various forms of physical and mental torture and cruel and degrading treatment often occurred during police investigations; that torture was used to obtain confessions and extract information from detainees during criminal investigations; that most political prisoners in Papua experienced torture during their arrest, detention and interrogation; and that perpetrators of torture enjoyed impunity. Forms of torture allegedly utilised by security forces included blindfolding, beatings with nightsticks, fists and rifle butts, the application of electric shocks, burning suspects during interrogations, and forced confessions at gunpoint. In some cases, the torture reportedly resulted in the death of the detainee.

4.12 The Commission on the Disappeared and Victims of Violence recorded 224 reports of police violence between July 2015 and July 2016, including 91 cases of torture. Komnas HAM separately reported 188 cases of police misconduct involving Criminal Investigation Division units from January to April 2016.

4.13 DFAT assesses that allegations of torture by security forces in Indonesia are credible. However, DFAT assesses that the use of torture is generally the result of poor training, an inadequate legal framework, and insufficient oversight by state authorities rather than a specific tool of discrimination against any particular minority group.

Arbitrary Arrest and Detention

4.14 Indonesian law prohibits arbitrary arrest and detention. Under the *Criminal Procedure Law* (1981), police are required to charge suspects accused of non-terrorism offences within 24 hours of arrest. International and local human rights groups report that arbitrary arrests occur regularly. Indonesia's prevailing 'tough on crime' approach often rewards police both socially and institutionally for high arrest and conviction rates. DFAT assesses that, although the principle of the presumption of innocence is enshrined in law, its application within the criminal justice system and acceptance by the community at large is still weak.

Corporal Punishment

4.15 As noted in '*Sharia in Aceh*', Aceh has used public canings as a form of punishment since 2005. The Aceh Criminal Code permits up to 100 strokes of the cane for consensual same-sex acts or for any sexual relations outside marriage, while canings are also permitted for offences such as consuming or selling alcohol, or gambling. Persons subjected to canings are fully clothed during the caning. Human Rights Watch reported that authorities imposed canings against 339 people in 2016 for violations of *sharia*. Those punished included 37 women. Canings have often been carried out in public spaces, drawing crowds of people taking photographs and video. After the May 2017 caning of two gay men drew widespread condemnation both within and outside the country (see [Sexual Orientation and Gender Identity](#)), Acehese authorities announced in July 2017 that they would conduct future canings inside prisons with minimal press coverage. However, Indonesian media reported that Acehese authorities had carried out public canings of up to 14 individuals in September 2017, including three women.

4.16 There are no legal provisions explicitly prohibiting corporal punishment for children in Indonesian homes, alternative care settings, day care centres, or schools. However, corporal punishment is unlawful as a sentence for crimes committed by juveniles under provisions protecting children from ‘inhuman punishment’ in the Law on Human Rights (1999) and the Child Protection Law (2014).

5. OTHER CONSIDERATIONS

STATE PROTECTION

5.1 Article 28I (1) of the Constitution stipulates that the rights to life, freedom from torture, freedom of thought and conscience, freedom of religion, freedom from enslavement, recognition as a person before the law, and the right not to be tried under a law with retrospective effect are all human rights that cannot be limited under any circumstances. Article 28I (2) stipulates that every person shall have the right to be free from discriminatory treatment on any grounds and shall have the right to protection from such treatment, while Article 28I (4) stipulates that the protection, advancement, upholding and fulfilment of human rights are the responsibility of the state.

5.2 Article 28J (2) qualifies these constitutional protections by stipulating that, in exercising his/her rights and freedoms, every person has the duty to accept the restrictions established by law for the sole purposes of guaranteeing the recognition and respect of the rights and freedoms of others and of satisfying just demands based upon considerations of morality, religious values, security and public order in a democratic society.

Military

5.3 The Indonesian Armed Forces (TNI) consist of the Army, Navy, and Air Force. The TNI is responsible for external defence, and its military territorial commands are individually charged with deterring and overcoming threats to national sovereignty and territorial integrity within their respective commands. The TNI has 476,000 active personnel and 400,000 reserve personnel. Military service is voluntary for those aged between 18-45 years of age, although the law does allow for selective conscription. In 2016, Global Firepower ranked the TNI the 14th most powerful military in the world, the highest ranking for any South-East Asian country. The TNI is a highly respected national institution, with public polling consistently demonstrating high levels of trust.

5.4 The military has long played a prominent role in Indonesian political and economic life, particularly during the New Order era. While Indonesia has had a civilian government for almost two decades, numerous high-ranking politicians (including former President Yudhoyono) have military backgrounds. Military leaders frequently offer commentary on domestic political issues. The military has in the past enjoyed relative impunity for criminal activities and human rights abuses. Civilian courts cannot try military personnel, even if they commit a crime out of uniform. While there have been efforts to improve military justice, such as strengthening the punishments individuals can receive, sentences still tend to be lighter than those received in civilian courts for equivalent offences.

Police

5.5 The Indonesian National Police (INP) is made up of more than 400,000 police officers and civilian employees (including 13,000 women), deployed to 32 regional police forces across the archipelago. The INP

operated as a unit of the military until 1999, when it was formally separated and placed under the direct command of the President. The *Law Concerning the State Police of the Republic of Indonesia* (2002) provides the INP the lead role in handling non-defence related security matters. The President appoints the national police chief, subject to confirmation by parliament. A semi-independent government advisory body (KOMPOLNAS) maintains oversight of the INP and acts as an alternative advisor to the President on policing matters. KOMPOLNAS has limited investigative powers and can recommend (but not order) follow-up actions. The KPK also has a role in exercising external scrutiny of the INP.

5.6 The INP does not enjoy the same high public esteem as the TNI – a 2013 poll by Transparency International found that the police ranked as the least trusted public body in Indonesia. Professionalism varies across the police. The elite counter-terrorism unit Densus-88 is considered high performing, although human rights organisations have expressed concerns over the number of terrorism suspects the unit has killed rather than brought to trial. However, in general, shortages of equipment, a lack of training, a low investigative capacity, and corruption limit the effectiveness of the police. Reports of police abuses are common, including the unnecessary or excessive use of force while dispersing protests and the abuse of suspects in detention.

5.7 DFAT considers credible reports by human rights organisations that police are rarely held to account for abuses. While police can be tried under criminal jurisdiction, impartial criminal investigations into police actions are uncommon. The usual practice is for police to conduct their own investigation, which often results in minor disciplinary actions (usually targeting junior or mid-ranking officers) such as short periods of detention, demotions and deferral of training opportunities. Details of investigations, court proceedings and verdicts are rarely made public.

5.8 In 2012, the then-police chief announced a police reform plan aimed at raising professional standards, enhancing community relations, updating and harmonising law enforcement legislation, and fighting corruption. However, human rights organisations have reported little evidence to date to suggest that the police reform program has succeeded in improving the INP's general performance. The INP is now under new leadership.

Judiciary

5.9 Indonesia has a complex justice system evolved from three inherited sources of law: Dutch colonial law, *sharia*, and customary law. Various provisions of Article 24 (A-C) of the Constitution outline the powers and responsibilities of the judicial system, including stipulating its independence. Despite this stipulation, the Indonesian judiciary has only operated separately from the executive arm of the state since 2004, when it acquired all court administration functions from the Department of Justice. Before 2004, the executive commonly instructed both lower and appellate courts how to decide cases of interest to senior government officials, including in relation to criminal defamation, labour disputes and politically motivated violence.

5.10 The Supreme Court and Constitutional Court are Indonesia's highest courts. The Supreme Court has exclusive jurisdiction over disputes between courts of lower courts systems and between courts located in different regions. On request, it can give advisory opinions to the government and guidance to lower courts. However, its powers of judicial review are limited to decisions on whether administrative regulations and local regulations conform to national laws as passed by parliament. The Judicial Commission nominates the 51 Supreme Court judges, whom the President appoints with concurrence of parliament. The Constitutional Court reviews the constitutionality of laws, resolves disputes among the various branches and levels of government, has final say in the dissolution of political parties, and decides disputes over election results. There are nine Constitutional Court judges, with three each nominated by the Supreme Court, parliament, and the President.

5.11 Four different court systems sit below the Supreme Court. Courts of general civil and criminal jurisdiction operate at District and High Court levels, with verdicts decided by panels of judges rather than juries. Religious (*Sharia*) courts operate throughout Indonesia to resolve disputes between Muslims in relation to matters such as marriage, divorce, and inheritance. Military courts have jurisdiction over all branches of the armed forces. Administrative courts examine decisions made by state officials or bodies. In addition to these four jurisdictions, the Court for Corruption Crimes hears corruption-related crimes referred to it by the KPK and the public prosecution service.

5.12 The 2004 reforms have delivered improvements to the performance of the Indonesian judiciary. The judiciary is now less prone to political interference than before, and courts have convicted high-level political figures and government officials of corruption. The reforms have improved access to justice for a large number of poor and marginalised people, particularly in rural areas. An increasing number of court decisions are available to view online, which has allowed for greater public and media scrutiny. The judiciary operates far more efficiently than previously, with the majority of cases now finalised within two years. According to a survey on trust in public institutions conducted in May 2017 by a leading Jakarta polling firm, most Indonesians (76 per cent) believe the judiciary acts in accordance with community expectations.

5.13 Corruption remains endemic in the judiciary at all levels. In September 2017, a Constitutional Court justice was sentenced to eight years' imprisonment on bribery charges, less than three years after the Constitutional Court's Chief Justice received a life sentence for corruption. High-level cases such as these contribute to the low levels of public trust in the legal system.

5.14 Another key challenge for the judiciary is the criminalisation of civil disputes. The number of civil cases filed in Indonesian courts is among the lowest per capita in the world. Only around ten cases per year are filed per 100,000 citizens (the number in Australia is generally around 1,500). Many cases that should be brought to court by private litigants are instead captured by police or prosecutors and transformed into criminal offences: contractual disputes are prosecuted as fraud; libel as criminal defamation. Until recently, there were no alternative dispute resolution mechanisms: Indonesia established a small claims court only in late 2015. Judges are reportedly reluctant to refer cases to mediation because, if successful, the outcome would not count towards the presiding judges' performance targets. The lack of judicial specialisation has also affected the performance of the judiciary in complex cases. In addition, general court justices may need to take into consideration matters of customary law pertaining to ethnic groups or tribes to which they do not belong, and therefore may not fully understand.

5.15 Individual judges may also be subjected to community pressure to rule in accordance with dominant social and political mores, particularly in cases where religion is a factor. Conservative Muslim lawyers and community leaders have demonstrated outside courtrooms hearing defamation of religion cases, implicitly threatening community unrest in the event of an unsatisfactory ruling – most notably in the Ahok case (see [Blasphemy/ Defamation of Religion](#)).

Detention and Prison

5.16 The Directorate General of Corrections administers Indonesian prisons. According to the World Prison Brief and information published by the Directorate General of Corrections, Indonesia had a prison population of 225,025 as of August 2017, detained in 506 facilities throughout the country. 31 per cent of those in prison were pre-trial/remand detainees. Female prisoners comprised 5.5 per cent of the total prison population, while juveniles accounted for 3.2 per cent (as of August 2014).

5.17 In general, Indonesian prisons do not meet international standards because of overcrowding, poor sanitary conditions, and inadequate funding. Prison riots and protests over lack of services have led to numerous jailbreaks. Food provided is basic and malnutrition is common. Health issues are widespread,

particularly skin ailments and upper respiratory infection diseases. Drug networks, criminal syndicates and terrorist recruiters reportedly operate with relative impunity in many prisons. Prisoners with access to money are able to procure special privileges, including better accommodation, entertainment and food.

INTERNAL RELOCATION

5.18 Indonesian citizens are legally able to move and reside freely within all territories of the Republic of Indonesia, and Indonesians can and do relocate for a variety of reasons. Major cities, particularly Jakarta, offer Indonesians greater opportunities for employment. Presidential Decree No.25 (2008), based on Law No.23 (2006) requires Indonesian citizens who relocate within Indonesia to register with the relevant local authority within one year of relocation. Registration information is passed to higher authorities. DFAT assesses that practical factors such as income and lack of family connections are the primary obstacles preventing an Indonesian from relocating within the country, rather than concerns over religion or ethnicity.

TREATMENT OF RETURNEES

Exit and Entry Procedures

5.19 There is no requirement for Indonesian citizens to obtain an exit permit prior to undertaking foreign travel. However, Indonesian citizens leaving Indonesia to reside externally are required to register with the closest Indonesian consular mission within 30 days of arrival. No special entry procedures exist for Indonesian citizens who have been removed or deported from another country. There are a large number of recognised entry ports into Indonesia, including 20 airports, 23 sea ports and one land crossing (at Etikong in Kalimantan).

Conditions for Returnees

5.20 Under the New Order regime, an Indonesian national who had actively and publicly criticised Indonesia or the government while in a foreign country would most likely have been questioned or sanctioned on return. Today in Indonesia this is now far less likely to occur, due to an increased acceptance of public protest and dissent. However, crossing acknowledged 'red lines'- such as publicly advocating a separatist movement or displaying separatist symbols – may still result in additional attention on return to Indonesia. Indonesians who are returned after unsuccessfully seeking protection overseas are unlikely to come to the attention of authorities, provided these 'red lines' have not been crossed.

DOCUMENTATION

5.21 Indonesian civil registries have responsibility for issuing most personal identity documents. These civil registries are primarily administered at the provincial level, but may refer some cases to their headquarters in Jakarta.

National Identity Cards

5.22 The primary Indonesian national identity card is the *Kartu Tanda Penduduk* (KTP), the Citizen Identity Card, which is issued to those aged 17 years or older, or upon marriage. Each KTP has an allocated identity number, and provides details of a person's name, sex, date and place of birth, occupation, religion, address, marital status and signature. KTPs are used to access employment, education and health services.

5.23 The Family Card is the document that proves residency and which records relationships and family members. Provincial government authorities issue the document, which is updated as family relationships change, i.e. through births, deaths and marriages. Every family in Indonesia is required to hold a family card. Family cards also record the occupation and marital status of dependents.

5.24 In practice, some minority groups still face official discrimination in accessing KTPs where they are unable to meet criteria for personal details. These groups include (but are not limited to): male-to-female transgender (*waria*) that are unable to meet the sex criterion (see [Sexual Orientation and Gender Identity](#)); people with disabilities, who may be excluded from official documents by their families or face other administrative obstacles in accessing these documents (see [People with Disabilities](#)); and followers of religions or beliefs outside of the six 'recognised' religions (see [Religion](#) and [Ahmadiyah \(Ahmadis\)](#)).

Birth and Death Certificates

5.25 Parents are required to register and certify the birth of babies within sixty days. If the parents are married, both will appear on the birth certificate. If unmarried, only the mother will appear. The civil registry issues birth certificates based on a certifying document from the hospital or midwife. The Civil Registry requires that every death must be reported to the relevant Regency or City Population and Civil Registry Office within 30 days, after which a death certificate will be issued to the family.

Passports

5.26 The Directorate General of Immigration, located within the Ministry of Law and Human Rights, issues Indonesian passports. Indonesia issues both electronic and non-electronic passports, which cost IDR 200,000 (AUD 19) and IDR 600,000 (AUD 56) respectively. Passports are issued for a five-year maximum period. Requirements for a new passport are the previous passport (if applicable), a valid KTP, Family Card, birth certificate, and marriage certificate (if applicable).

PREVALENCE OF FRAUD

5.27 DFAT assesses that there is a high risk of fraud in relation to Indonesian identity documents of all types. Identity documents can be obtained by issuing forged supporting documents, or can be fraudulently issued, counterfeited or altered. Most civil agencies in Indonesia can verify whether a document is genuine. However, systems are decentralised, and responsiveness varies between agencies. The penalty for passport fraud is five year's imprisonment and a fine of IDR500 million (around AUD 50,000).