

INDONESIA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

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

Significant human rights issues included credible reports of: unlawful or arbitrary killings by government security forces; torture by police; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners; serious problems with the independence of the judiciary; serious abuses in the conflict in Papua, Central Papua, Highland Papua, South Papua, and West Papua Provinces (the Papua region), including unlawful civilian deaths or harm, torture, and physical abuses; serious restrictions on free expression and media, including unjustified arrests or prosecutions of journalists, censorship, and the use of criminal libel laws; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association; serious government corruption; lack of investigation of and accountability for gender-based violence; the practice of female genital mutilation/cutting; crimes involving violence or threats of violence targeting members of racial, ethnic, and religious minority groups; crimes involving violence or threats of violence against lesbian, gay, bisexual, transgender, queer, or intersex persons; and laws in Aceh Province criminalizing consensual same-sex sexual conduct between adults.

While the government took steps to investigate and prosecute some officials who committed human rights abuses and engaged in corruption, impunity for historic and recent serious human rights abuses and corruption remained a significant concern.

Armed conflict between government forces and separatist groups continued in the Papua region. There were numerous reports of abuses against civilians including unlawful or arbitrary killings, physical abuse, and destruction of property. The government investigated and persecuted some of these, but civil society reported instances of impunity. The conflict caused the displacement of thousands of residents. Outside the Papua region, there were numerous reports of unknown actors using digital harassment and intimidation against human rights activists and academics who criticized government officials, discussed government corruption, or covered issues related to the conflict in the Papua region.

Section 1. Respect for the Integrity of the Person

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

There were numerous reports that security officials committed arbitrary or unlawful killings. Many of these reports related to security forces' counterinsurgency operations against armed separatist groups in the Papua region (see section 1.g.).

In cases of alleged extrajudicial killings by government officials, police and the military often did not conduct investigations and when they did, failed to disclose the findings of these internal investigations. Official statements related to abuse allegations sometimes contradicted nongovernmental organization (NGO) accounts, and inaccessibility of areas where violence took place made confirming facts difficult.

The Commission for Disappeared and Victims of Violence (KontraS, an NGO), counted 16 deaths in the 50 cases of alleged torture and other abuse by security forces it investigated from May 2021 to June 2022.

On August 12, General Ferdy Sambo, former head of Internal Affairs in the

Indonesian National Police, admitted to authorities that he masterminded a plot to kill his aide, Brigadier Nofriansyah Yosua Hutabara, and disguise the murder as a shootout. Yosua's autopsy revealed evidence of torture and execution-style gunshot wounds. While a motive for the July 8 murder remained unclear, multiple media outlets reported that Yosua was planning to leak Sambo's alleged illegal activities, including running gambling rings. The internal police investigation broadened to include nearly three dozen police officers and one- and two-star generals. NGOs and academics expressed doubt, however, that the investigation would include all of Sambo's illegal activity, which they believed must have been approved at higher levels.

KontraS alleged police used excessive force in at least 118 instances. In October police fired at least 11 rounds of tear gas at fans in Kanjuruhan Stadium as a form of crowd control following a soccer match, prompting a fatal crush that resulted in 135 deaths, including of 43 children. As a result, six suspects were arrested (including three police officers), 10 police officers were dismissed, and another 18 were under investigation.

b. Disappearance

The government and NGOs reported little progress in accounting for persons who previously disappeared, including disappearances that occurred during the country's occupation of Timor-Leste. NGOs reported little progress in prosecuting those responsible for such disappearances and noted many officials suspected of being involved in disappearances continued to serve in the government (see section 1.c.).

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

The constitution prohibits such practices. The law criminalizes the use of violence or force by officials to elicit a confession, but no law specifies or defines "torture." Other laws, such as on witness and victim protection, include antitorture provisions. Officials face imprisonment for a maximum of four years if they use violence or force illegally.

NGOs made numerous reports of police and security forces using excessive force during detention and interrogation, with some cases resulting in death (see section 1.a.).

National police and the military usually upheld procedures to address alleged torture. All police recruits undergo training on the proportional use of force and human rights standards. In cases of alleged torture and other abuse, police and the military typically conducted investigations but often did not publicly disclose either the fact or the findings of these internal investigations. Official statements related to abuse allegations sometimes contradicted NGO accounts, and the frequent inaccessibility of areas where violence took place made confirming facts difficult. NGOs and other observers criticized the short prison sentences often imposed by military courts in abuse cases involving civilians or actions by off-duty soldiers.

KontraS reported 677 injuries from alleged torture and other abuse by security forces between July 2021 and June 2022.

On September 20, four police officers allegedly tortured Yulius Yatu at his home, the day after he had used WhatsApp to publicly criticize the police response to a recent protest against rising fuel prices in North Maluku. According to the victim's official report, four men arrived at his home, confirmed his identity, dragged him to the North Halmahera Police station, and proceeded to beat and choke him until he lost consciousness. KontraS and Press Legal Aid urged the North Maluku Police to investigate the crime and called for the removal of the North Halmahera police chief. Police Commissioner M Arinta Fauzi stated the agency promised to investigate the alleged abuse, although as of October the case remained unresolved.

Aceh Province has special authority to implement sharia regulations. Authorities there carried out public canings for violations of sharia in cases of sexual abuse, gambling, adultery, alcohol consumption, and sexual relations outside of marriage. Same-sex sexual conduct is a criminal offense in Aceh, punishable by caning; there were no known cases of punishment for this crime during the year. Sharia should not be applied to non-Muslims, foreigners, or Muslims not resident in Aceh; however, it sometimes was. Non-Muslims in Aceh occasionally chose punishment

under sharia because it was more expeditious and less expensive than secular procedures. In February, for example, media reported three individuals convicted of facilitating online gambling were forced to choose between being whipped or paying the cash equivalent of one pound of gold.

Canings continued to occur in public spaces despite the Aceh governor's 2018 order that they should occur only in prison facilities. Individuals sentenced to caning may receive up to 100 lashes for each crime for which they were convicted, depending on the crime and prison time served.

Security force impunity remained a problem. Members of the army special forces' Rose Team, which was involved in the kidnapping, torture, and killing of students in 1997-98, continued to serve as senior officials in the government despite being convicted and serving prison sentences for their involvement in these abuses. Some of those implicated in past abuses also received promotions or were given public awards and honors.

In September an ad hoc human rights court began the trial of a former army commander accused of crimes against humanity in the fatal shooting of five persons, including four teenagers, in Paniai, Papua Province, in 2014. NGOs, however, criticized the government for naming a single defendant in the case, despite a National Human Rights Commission investigation that identified additional suspects. Family members of the victims refused to attend the initial hearing, according to media reports. The judges found evidence of gross violations of human rights but determined the defendant was not responsible and should not be held accountable. In December he was cleared of all charges.

Internal investigations undertaken by security forces were often opaque, making it difficult to know which units and actors were involved, especially if they occurred in the Papua region. Internal investigations were sometimes conducted by the unit accused of the abuses or, in high-profile cases, by a team sent from police or military headquarters in Jakarta. Cases involving military personnel could be forwarded to a military tribunal for prosecution or, in the case of police, to public prosecutors. These trials lacked transparency and the results were not always made public. Victims or their families may file complaints with the National Police Commission, National Commission on Human Rights, or National Ombudsman to

seek an independent inquiry into the incident. The lack of transparent investigations and judicial processes continued to hamper accountability in multiple past cases involving security forces. NGOs continued to advocate for investigations and judicial resolution of historical cases of security force involvement in killings, disappearances, and atrocities that dated back to 1965.

Prison and Detention Center Conditions

Conditions in the country's 526 prisons and detention centers were often harsh and sometimes life threatening, due especially to overcrowding.

Abusive Physical Conditions: Overcrowding was a serious problem, including at immigration detention centers. According to the Ministry of Law and Human Rights, as of September there were more than 276,000 prisoners and detainees in prisons and detention centers designed to hold a maximum of 132,107. Overcrowding posed hygiene and ventilation problems. The degree of overcrowding varied at different facilities. Minimum- and medium-security prisons were often the most overcrowded; maximum-security prisons tended to be at or below capacity.

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

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

According to NGO observers, conditions in prisons for women tended to be significantly better than in those for men. Women's cellblocks within prisons that held prisoners of both genders, however, did not always grant women prisoners access to the same amenities, such as exercise facilities, as their male counterparts.

NGOs noted authorities sometimes did not provide prisoners adequate medical

care. Human rights activists attributed this to a lack of resources.

International and local NGOs reported that in some cases prisoners did not have ready access to clean drinking water. There were widespread reports the government did not supply sufficient food to prisoners, and family members often brought food to supplement prisoners' diets.

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

In March the National Human Rights Commission announced it was investigating allegations of torture by prison officials at the Class 2A narcotics prison in Yogyakarta. The allegations included beatings with bare hands and with tools.

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

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

d. Arbitrary Arrest or Detention

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

Arrest Procedures and Treatment of Detainees

Security forces must produce warrants during an arrest. Exceptions apply, for

example, if a suspect is caught in the act of committing a crime. The law allows investigators to issue warrants, but at times authorities, especially police from the Criminal Investigation Department, made questionable arrests without warrants.

By law suspects or defendants have the right to contact family promptly after arrest and to legal counsel of their choice at every stage of an investigation. Legal aid organizations reported numerous cases in which they had difficulty accessing detainees, especially if physical or other abuse during or after the arrest was discovered or alleged when access was granted.

Court officials are supposed to provide free legal counsel to all persons charged with offenses that carry the death penalty or imprisonment for 15 years or more, and to destitute defendants facing charges that carry a penalty of imprisonment for five years or more. Such legal resources were limited, however, and free counsel was seldom provided. NGOs reported that some police and prosecutors maintained a “pocket lawyer” who could be called in to provide a pro forma defense for their clients.

There is no system of bail; however, detainees may request a suspension of detention, which may be granted by investigators, prosecutors, or judges. Additionally, detainees may challenge their arrest and detention by petitioning for a pretrial hearing. According to the law, a judge must begin the pretrial hearing within three days of receipt of the application and render a decision within seven days after the beginning of the hearing. Some defense lawyers indicated reluctance to request these suspensions, since sometimes the paperwork their clients must sign as a condition of release included language that could be interpreted as an admission of guilt.

Lack of legal resources was particularly problematic for persons involved in land disputes. Local government officials and large landowners involved in land grabs reportedly accused community activists of crimes, hoping the resulting detentions or arrests and the community’s lack of legal and financial resources would hamper efforts to oppose the land grab.

Arbitrary Arrest: There were reports of arbitrary arrests by police, primarily by the Criminal Investigation Department and the Mobile Brigade Corps, a police

tactical unit tasked with counterterrorism, riot control, and high-risk law enforcement. There were multiple media and NGO reports of police temporarily detaining persons for criticizing the government, participating in peaceful demonstrations, and other nonviolent activities.

On February 22 in South Sumatra, three North Lubuklinggau resort police arrested Hermanto (no last name) without a warrant for alleged theft. Hermanto died in custody after 11 hours' detention. KontraS reported that there were signs of excessive force during the arrest and detainment as evidenced by family testimony about wounds, bruises, and broken bones. Lubuklinggau district police chief Toni Harmanto named four police officers suspected of committing torture and promised to bring them to the court. As of November, the suspects were awaiting trial.

NGOs reported numerous cases of arbitrary arrest across the country, many in connection with political protests and property disputes, and many in the Papua region (see section 1.g.). Most of those detained in such cases were released within 24 hours.

Pretrial Detention: If convicted, time in pretrial detention is counted against the sentence. Media reported, however, cases in which suspects were detained longer than allowed by law, in some cases – especially of low-level crimes with sentences less than a year – resulting in immediate release of persons found guilty because the time served in pretrial detention equaled or exceeded their sentence. Terrorism suspects are governed by special rules. The government did not report the number of individuals in pretrial detention.

e. Denial of Fair Public Trial

The law provides for an independent judiciary and the right to a fair public trial, but the judiciary remained deeply and broadly corrupt (see section 5) and subject to influence from outside parties, including business interests, politicians, the security forces, and officials of the executive branch.

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

Four district courts are authorized to adjudicate cases of systemic gross human rights violations upon recommendation of the National Human Rights Commission. Such trials were rare (see section 1.c., for information on the first such trial since 2005, for the 2014 killing of five persons in Paniai, Papua Province).

Under the sharia court system in Aceh, 23 district religious courts and one court of appeals hear cases. The courts usually heard cases involving Muslims and based their judgments on decrees formulated by the local government rather than the national penal code.

In December 2021, NGOs called for the release of an individual, age 14, designated LK, who was sentenced to eight years in prison after being detained following a September 2021 attack on a military post in Kisor, Maybrat, West Papua Province, that resulted in the deaths of four soldiers. NGOs said the suspect was tortured during detention and did not receive a fair trial. Police allegedly used a doctored video to charge the suspect's lawyer with blasphemy and "causing religious and racial hatred." As of November, LK's case was unresolved.

Trial Procedures

The constitution provides for the right to a fair and public trial, but judicial corruption and misconduct hindered the enforcement of this right. The presumption of innocence was not always respected; some courts, for example, allowed the admission of forced confessions. Trials were not always timely; sharia court proceedings in Aceh and some military trials were not public.

The law gives defendants the right to an attorney from the time of arrest and at every stage of investigation and trial. By law indigent defendants have the right to public legal assistance, although they must prove they have no funds for private legal assistance. NGOs reported, however, that defendants in many areas of the country did not have access to legal assistance due to the lack of legal aid organizations in those areas. Where they existed, their legal staffs were often too small to represent all indigent defendants. There were consequently numerous cases in which defendants faced trial without counsel. Defendants facing offenses that carry the death penalty or imprisonment for 15 years or more are required to

have legal counsel; however, NGOs reported cases in which the legal counsel provided to these defendants was associated with the prosecution.

Although suspects have the right to confront witnesses and call witnesses in their defense, judges may allow sworn affidavits when distance is excessive or the cost of transporting witnesses to the court is too expensive, hindering the possibility of cross-examination. Some courts limited the presentation of defense evidence.

Political Prisoners and Detainees

NGOs estimated that as of September, 14 political prisoners from the Papua region were incarcerated, either awaiting trial or after being convicted under treason and conspiracy statutes, including for the display of banned separatist symbols. Additionally, three Moluccan political prisoners remained in prison, according to NGOs.

According to Amnesty International, authorities detained at least 300 Papuans between January and September for participating in peaceful protests; many were released without charges.

In February the trial of Victor Yeimo, spokesperson for the proindependence National Committee for West Papua, began in Jayapura, Papua Province. Arrested in May 2021, he was charged with criminal conspiracy, incitement, and treason for his alleged involvement in violent antiracism protests in Papua and West Papua Provinces in 2019. His lawyers reported he was arrested without a warrant and moved to the Mobile Brigade Corps' detention center without notification to them. In August 2021 the Jayapura court rejected a challenge to his detention based on these irregularities. NGOs alleged that the charges against Yeimo were a baseless attempt to silence nonviolent advocacy for Papuan separatism. Yeimo's trial was underway as of September.

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

Civil Judicial Procedures and Remedies

Victims of human rights abuses may seek damages in the civil court system, but

widespread corruption and political influence limited victims' access to justice.

Property Seizure and Restitution

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

Land access and ownership were major sources of conflict. Police sometimes evicted those involved in land disputes without due process, often siding with business-related claimants over individuals or local communities.

In February a large police force was deployed in response to protests in Wadas, Central Java, opposing the construction of the Bener Dam and mining activities in their community. Media reported thousands of police officers arrived in the village, entering homes and intimidating residents, including detaining children and the elderly. Sixty-seven villagers were detained by authorities; most were released without charges after a short detention. Activists accused police of trying to intimidate the residents of the village to facilitate the construction project.

Contested administrative boundaries, especially in Kalimantan and the Papua regions where new provinces were created, contributed to overlapping licenses, ownership disputes, unmanaged extractive industries, and corruption.

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

On December 6, parliament unanimously passed a new criminal code criminalizing sexual intercourse outside of marriage and living together as husband and wife outside of marriage. Complaints may only be filed by a parent, spouse, or child of the accused. The government has two years to prepare implementation guidelines, which may determine how the law is enforced and to whom it applies. The code was not in effect as of December 31 and could take up to another three years before coming into force.

The law requires judicial warrants for searches except in cases involving

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

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

g. Conflict-related Abuse

The Papua region is home to separatist movements advocating the creation of an independent state. The most well-known armed separatist group is the Free Papua Movement (Organisasi Papua Merdeka), which acknowledged that it carried out hundreds of attacks on government officials and civilians since the 1970s. The government attempted to suppress these separatist movements primarily through a large military and police presence, and through a “special autonomy” status granted to the region in 2002 and revised in 2021.

On March 1, three UN special rapporteurs released a joint statement expressing serious concern about the deteriorating human rights situation in the Papua region. The statement cited the killing of a high-ranking military officer in April 2021 by the West Papuan National Liberation Army as resulting in a dramatic deterioration in human rights, including reports of enforced disappearances, the killing of children, and the forced displacement of an estimated 5,000 Indigenous Papuans since April. The special rapporteurs called on the government to allow unhindered humanitarian access to the region and to conduct full and independent investigations into abuses to ensure those responsible, including military officials, are held accountable.

In June the legislature passed a bill without local consent, creating three new provinces from districts originally in Papua Province. The revision also provided for increased budgetary support for the Papua region, but critics claimed these provisions strengthened central government control of development. Analysts believed the creation of new provinces would accelerate the issuance of licenses for resource extraction and could foster greater inequality, leading to increased conflict. During a protest against the proposed legislation on March 15, police shot

and killed two Papuan protesters and injured at least two others.

In July a video circulated of an alleged member of an armed group executing a man in the Bintang Mountains regency in Papua. The alleged armed group member claimed the execution demonstrated the group's opposition to the government's creation of new provinces in the region. The month following the new province legislation (July) saw a 300 percent increase in violence in Papua compared with the month (May) previous, according to the Armed Conflict Location and Event Data Project.

Killings: Restrictions on independent press and NGOs in the area, and on visits by international investigators, made it difficult to determine the authenticity of reports of, or to attribute responsibility for, killings in the Papua region. The government and separatist groups often provided conflicting accounts about responsibility for a killing and whether the victim was a civilian or a combatant. The Armed Conflict Location and Event Data Project, a disaggregated international research NGO, reported 82 fatalities throughout the country from clashes and violence against civilians from January 1 to September 16; the majority of the incidents occurred in the Papua region. Rights group KontraS reported at least seven deaths from January to August at the hands of the military. Separately, Human Rights Monitor, a Papua-based NGO, reported four civilian deaths at the hands of security forces and 32 civilian deaths at the hands of armed separatist groups from January to October. In July an armed criminal group allegedly led by Egianus Kogoya attacked civilians in Papua's Nduga District, killing 10 and injuring two others, according to media and government reports. The National Human Rights Commission condemned the attacks, and Amnesty Indonesia called for a full investigation. The same armed group targeted security forces and civilians in the past, including multiple attacks against construction and other workers in recent years. Social media accounts claiming to represent the armed group threatened migrants and non-Papuan who settled in the region.

On August 22, military officers and local allies reportedly killed and mutilated four Papuans in Mimika Regency, Papua Province; the four were allegedly involved in weapons trafficking. Police claimed one victim was also associated with a rebel group; the victim's family denied the claim. The president ordered the military to investigate the incident. An army commander told press the involved soldiers

would be subject to a military tribunal, but the actions did not constitute a violation of human rights. As of October, the case was unresolved.

In August the president signed a decree establishing a team to pursue nonjudicial settlements for past violations or abuses of human rights in the Papua region, although activists warned this could lead to legal impunity for perpetrators. The members of the team began work in September.

There were reports of alleged government use of armed force that did not take adequate precautions to avoid civilian casualties. For example, in October 2021, eight villages in Papua Province were allegedly bombed by government forces using foreign-sourced mortar shells acquired for the civilian state intelligence agency, according to the London-based Conflict Armament Research organization.

Physical Abuse, Punishment, and Torture: Human rights organizations and media reported security forces in the Papua region often used excessive force on civilians and physically abused persons in detention.

Separatist forces publicly called for nonindigenous Papuans to leave the Papua region and targeted civilians deemed nonindigenous. Armed groups used social media to threaten migrants from other areas of the country who moved to parts of Papua. In September posts on social media by an individual claiming to represent a separatist group accused members of the Papua Secretariat of the Human Rights Commission of being intelligence officers and threatened to kill them if they traveled to the group's "territories."

Although transparent investigations of alleged abuses by government forces were uncommon, in September the Papua office of the National Commission on Human Rights released the results of its investigation of 18 soldiers from the Raider 600/Modang infantry battalion who allegedly tortured two civilians in Mappi Regency, South Papua Province, in August. The commission said the soldiers forcibly detained Bruno Kimko and Yohanis Kanggun and brought them to a military post after reports that the two had harassed a local woman and submitted their case files to the military prosecutor. According to the accusations, the soldiers tortured the two for eight hours, leading to the death of Kimbo and severely injuring Kanggun. As of October, none of the 18 personnel was charged.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media. The law places various restrictions on its exercise, including criminal penalties for defamation, hate speech, blasphemy, obscenity, and spreading false information. There were numerous reports of the law being used to limit criticism of the government. The truth of a statement is not a defense.

Freedom of Expression: The law criminalizes speech deemed defaming of a person's character or reputation (see Libel/Slander Laws below); insulting a religion; spreading hate speech; spreading false information; obscenity; or advocating separatism. The updated criminal code passed by parliament on December 6 criminalizes insulting state institutions and criticizing the president and vice president. Moreover, anyone found guilty of causing another person to lose his or her religion may be punished with up to two years imprisonment. The government has two years to prepare implementation guidelines, which may determine how the law is enforced and to whom it applies. The code was not in effect as of December 31 and could take up to another three years before coming into force.

The Attorney General's Office has authority to monitor written material and to request a court order to ban written material. Spreading hate speech or false information is punishable by up to six years in prison. Language in the law regulating pornography has been broadly applied to restrict content deemed as offending local morals. Blasphemy is punishable for up to five years in prison. Blasphemy cases, however, were usually prosecuted under the Electronic Information and Transactions law, which was often used to regulate online speech and carries a maximum six-year prison sentence. NGOs reported this law was also often used to prosecute critics of the government.

In June six employees of the bar chain Holywings were charged with blasphemy after creating an ad campaign offering a free bottle of gin to men named Muhammad and women named Maria every Thursday. According to media

reports, at least two religious organizations had reported the chain to the authorities. The business issued an apology and claimed management was unaware of the promotion. If convicted, the employees face up to five years' imprisonment.

Violence and Harassment: From January to September, the Alliance of Independent Journalists reported 30 cases of violence against journalists that included doxing, physical assaults, and verbal intimidation and threats perpetrated by various actors, including government officials, police and security personnel, members of mass organizations, and the public.

In January the Surabaya State Court gave a 10-month sentence (reduced to eight months on appeal) to two police officers found guilty of assaulting *Tempo* journalist Nurhadi (no last name) in March 2021. In May East Java's regional police disciplinary tribunal sentenced one of the officers to 14 days' imprisonment. The attack came after the journalist investigated corruption involving local officials. The case marked a rare conviction of police officers for assaulting a journalist, but NGOs criticized the light punishments.

In August Vice Mayor Muhammad Sinen of Tidore City in North Maluku was accused of intimidating Nurkholis Lamau, editor of the news site *Cermat*. Sinen asked Lamau to take down an article entitled "Breathe Coal Get Religious Reward" because it stated that pollution from a coal mine operating under a license sanctioned by the vice mayor ran counter to Sinen's claims of support for moving towards environmentally friendly energy sources. The vice mayor's nephew reportedly assaulted and threatened Lamau in front of his family. On September 8, the Soasiu Court in Tidore sentenced the nephew to one month in prison with three months' probation for minor abuses.

In September employees of the media company Narasi were victims of cyberattacks that aimed to take control of their Telegram, Instagram, Facebook, and Twitter accounts. Over the same weekend, the editors of Narasi received threats by mail that said "keep silent or die." In October the NGOs Independence Journalist Alliance, Press Legal Aid, and SAFEnet presented an online petition with more than 16,000 signatures to the Presidential Staff Office demanding an investigation into the cyberattack.

Members of the press occasionally faced harassment and threats when investigating cases involving the government or police. In September two journalists were assaulted by three men while gathering information related to a high-profile killing committed by former Police Chief Inspector General Ferdy Sambo. The assailants took their mobile phones, deleted images and recordings, and searched their bags. The government took legal action against one of the assailants, who was Sambo's former driver, while the details on the other two were unknown.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: The government sometimes used regional and national regulations, including those on blasphemy, hate speech, defamation, false information, and separatism, to restrict media. Obtaining permits for travel to the Papua region was difficult for foreign journalists, who reported bureaucratic delays or denials, ostensibly for safety reasons.

NGOs reported that journalists' self-censorship on controversial school regulations requiring young women to wear the hijab concealed the number of students who wore the hijab only because of social pressure. According to NGOs, journalists feared professional ostracism.

Libel/Slander Laws: Criminal defamation provisions prohibit libel and slander, which are punishable with five-year prison terms. NGOs alleged that government officials, including police and the judiciary, selectively used criminal defamation to intimidate individuals and restrict freedom of expression.

In March Andi Dharmawansyah was sentenced to six months in jail for defaming Andi Suryanto Asapa, the former district head of health for Sinjai Regency, South Sulawesi Province. The Makassar High Court rejected Dharmawansyah's appeal in August. In February 2021, Dharmawansyah posted an accusation online that Asapa was the mastermind behind cuts to a compensation fund intended for the heirs of health workers who died from COVID-19.

For example, in March police formally named Fatia Maulidiyanti, coordinator for KontraS, and Haris Azhar, executive director of the Lokataru Foundation, as suspects in September 2021 criminal and civil defamation complaints filed against

them by Coordinating Minister of Maritime and Investment Affairs Luhut Pandjaitan using the Electronic Information and Transactions law. Pandjaitan's complaints arose from Maulidiyanti's August 2021 interview with Azhar, posted on YouTube, during which the two discussed NGO reports that government officials had an economic interest in the conflict in Papua. Azhar and Maulidiyanti were named suspects by police but were not charged with any crimes as of October. They faced a potential sentence of four years if found guilty of defamation and six years if found guilty of disseminating fake news.

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

Although the law permits flying a flag symbolizing Papua's cultural identity generally, a government regulation barring separatism specifically prohibits the display of the Morning Star flag in Papua, the Republic of South Maluku flag in Maluku, and the Free Aceh Movement Crescent Moon flag in Aceh.

Nongovernmental Impact: Hardline Muslim groups sometimes intimidated perceived critics of Islam or groups considered heretical. For example, as of November, 37 Ahmadiyya families were still being sheltered in Mataram, West Nusa Tenggara, 16 years after being forced to leave their village of Gegerung, West Lombok, because of threats and violence.

Internet Freedom

The law bans online crime broadly, including pornography, gambling, blackmail, false information, threats, hate speech, racist content, and defamation, and the government prosecuted individuals for online statements. The law carries maximum penalties of six years in prison, a substantial fine, or both. NGOs criticized the law's vague and ambiguous provisions, which they noted had been misused by authorities and private individuals to silence and punish critics, leading to increased self-censorship by journalists and activists.

NGOs continued to report that government officials used direct pressure on internet service providers to degrade perceived opponents' online communications. In August SAFEnet, an NGO focused on internet freedom, said the government

was increasingly using its power to shut down the internet to restrict the open flow of information. The NGO reported suspicions that the government had restricted internet service 12 times from April and May and 15 times in June in the Papua region to render the internet effectively unusable. Human rights activists claimed the slowdowns may have been designed to disrupt reporting on government human rights abuses in Papua Province. The Jakarta State Administrative Court ruled that the government may block internet access during periods of social unrest.

Human rights organizations reported that progovernment hackers often used doxing, disruptions to online events, and hacking of social media accounts to threaten and intimidate government critics. Activists also reported “food bombing,” in which online apps for ordering food were hacked and numerous orders attributed to NGOs, journalists, and others placed with payment selected as cash on delivery. SAFEnet reported that in 2021 activists experienced 193 digital attacks, a 38 percent increase from the previous year.

NGOs and media reported that paid groups of cyber troops, colloquially called “buzzers,” used bots and fake social media accounts to shape political discourse online. Researchers reported that buzzers were frequently used by both pro- and antigovernment groups. Media reported that the government directly financed some buzzer operations.

In addition to requesting that internet service providers block access to content containing “prohibited electronic information,” such as pornography, radical religious content, extortion, “hoax news,” and hate speech, NGOs reported that the Ministry of Communication and Information Technology also sometimes requested removal of content critical of the government or containing information related to lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) issues. The government sometimes intervened with social media, search engines, app stores, and other websites to remove offensive and extremist content and revoked the licenses of those that did not promptly comply with government demands. In July the government temporarily blocked several platforms, including PayPal and Yahoo, and gaming sites such as Counter-Strike, for failing to meet the deadline for joining the government’s licensing system.

Restrictions on Academic Freedom and Cultural Events

The government generally did not place restrictions on cultural events or academic freedom but occasionally disrupted sensitive cultural events or activities or failed to prevent nongovernmental groups from doing so.

NGOs reported academic sanctions against students perceived as criticizing the government or discussing sensitive topics and noted that professors at government universities sometimes faced threats of professional retaliation for political criticism of the government or involvement in events and studies related to sensitive topics, such as the conflict in Papua. Universities and other academic institutions also sometimes succumbed to pressure from Islamist groups seeking to restrict sensitive events and activities.

For example, according to Amnesty International, in June police forced the University of National Development of East Java to cancel a planned public discussion on Papua. Police said they feared the event would provide a platform for those advocating Papuan independence. Amnesty International said the action amounted to the restriction of the right to free expression and assembly.

The government-supervised Film Censorship Institute censored domestic and imported movies for content deemed religiously or otherwise offensive. One such movie included Disney's *Lightyear* because it depicts a same-sex relationship that could violate the pornography law banning deviant sexual behavior.

The Broadcasting Commission has the power to restrict content broadcast on television and radio and used that authority to restrict content deemed offensive. Provisions prohibited television programs from showing physical intimacy such as kissing or cuddling and from having LGBTQI+ content.

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

The law provides for freedom of assembly, and outside the Papua region the

government generally respected this right. The law requires demonstrators to provide police with written notice three days before any planned demonstration and requires police to issue a receipt for the written notification. This receipt acts as a de facto license for the demonstration.

Police in the Papua region routinely refused to issue demonstration receipts, claiming the demonstrations would include calls for independence, an act prohibited by law. A Papua provincial police decree prohibits rallies by seven organizations labeled as pro-independence, including the National Committee of West Papua, United Liberation Movement for West Papua, and Free Papua Movement.

In May demonstrations triggered by rumors that the 2024 election could be postponed and President Jokowi's term extended drew thousands of students and other protesters around the country. Police responded with water cannons and tear gas.

In June demonstrators protesting legislation to create new provinces in the Papua region were detained; most were released without charges, according to reports. NGOs reported that protests related to Papua across the country were routinely disrupted by police and protesters were arrested.

Freedom of Association

The constitution and law provide for freedom of association, which the government generally respected. The regulations on registration of organizations were generally not onerous.

To register officially, foreign NGOs must have a memorandum of understanding with a government ministry. Some organizations reported difficulties obtaining these memoranda and claimed the government withheld them to block their registration; they also blamed cumbersome bureaucracy within the Ministry of Law and Human Rights. Foreign NGOs could continue to operate in the country without registration, but those lacking registration were unable to work directly with government programs. Moreover, some foreign NGOs reported intrusive monitoring and intervention in their activities by authorities despite being officially registered.

The Ministry for Political, Legal, and Security Affairs banned some religious organizations, such as the Islamic Defenders Front (a hardline Islamic organization with a history of attacks on nightclubs), for being “nonregistered.” The ministry said such organizations’ articles of association must be consistent with the law, specifically the national ideology of *Pancasila*. Human rights organizations contended this was an unjust restriction on the right of association and expression.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

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

In-country Movement: The government continued to impose administrative hurdles for travel by NGOs, journalists, foreign diplomats, and others to the Papua region.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The country is not a signatory to the 1951 UN Refugee Convention and does not allow permanent local settlement or naturalization of asylum seekers or persons judged to be refugees. The government allows refugees to settle temporarily while awaiting permanent resettlement. The law acknowledges UNHCR’s role in processing all refugee status determinations in the country. Regulations establish a detailed refugee management process, outlining the specific responsibilities of national and subnational agencies from the time of

refugee arrival to departure for resettlement or repatriation. UNHCR officials reported 12,993 known refugees and asylum seekers were in the country as of August. A majority of refugees were reportedly from Afghanistan. In January Afghan refugees rallied in front of UNHCR offices in Surabaya calling for either citizenship or resettlement to another country.

Refoulement: In July the government released a Uyghur man in custody on terrorism charges since 2015 and processed him for deportation to China.

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

Rohingya Muslims were a small but growing segment of the refugee and asylum-seeker population. Members of the community claimed they were often denied proper medical treatment, alleged the government aggressively monitored them, and said they faced difficulties finding work and severe restrictions on their freedom of movement. For example, Rohingya who married locals were not permitted to leave refugee housing.

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

Access to Basic Services: The government did not prohibit refugees from accessing public elementary education, although many barriers prevented enrollment of more than a small number of refugee children, including lack of access to government-issued student identification numbers. A small number of refugees enrolled in language and other classes in private, refugee-run schools or in NGO-sponsored programs. Refugees had access to basic public health services through local health clinics, which the government subsidized. Treatment for more serious conditions or hospitalization, however, was not covered. Some local governments provided vaccines to refugees, and UNHCR coordinated the delivery of vaccines to others.

f. Status and Treatment of Internally Displaced Persons

The government collects data on displacement caused by natural hazards and conflict through the National Disaster Management Authority, although the lack of

systematic monitoring of return and resettlement conditions made it difficult to estimate reliably the total number of internally displaced persons (IDPs). The Internal Displacement Monitoring Center reported there were 155,000 IDPs due to disasters and 73,000 IDPs due to conflict and violence as of December 2021.

The law stipulates the government must provide for “the fulfillment of the rights of ... displaced persons affected by disaster in a manner that is fair and in line with the minimum service standards.” IDPs in towns and villages were not abused or deprived of services or other rights and protections, but resource and access constraints delayed or hindered the provision of services to IDPs in some cases, notably for those who fled to the countryside and forests to escape conflict in the Papua region.

The return of persons displaced by conflict in the Papua region was slow and difficult. As of August residents displaced by the military’s response to a 2021 attack on an army checkpoint in Sorong, West Papua, continued to face problems returning to their homes or enrolling their children in schools. More than 600 children in the area were not able to return to school after the attack, according to IDPs from the region.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

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

As of October, seven governors, 18 mayors, 76 regents, and 101 district heads were serving in an unelected, acting capacity. Their terms in office were extended by legislation in September 2021 until 2024, at which time presidential, legislative, and local elections were scheduled.

Participation of Women and Members of Minority Groups: No law limits participation of women and members of historically marginalized or minority groups in the political process, and they did participate. The law on political parties mandates that women comprise a minimum of 30 percent of the founding membership of a new political party and 30 percent of legislative seats; however, there are no penalties or fines for failure to comply. As of November, women comprised 20 percent of federal legislators.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but government efforts to enforce the law were insufficient. There were numerous reports of government corruption during the year. Despite the arrest and conviction of many high-profile and high-ranking officials, including multiple district heads and heads of state-owned enterprises, there was a widespread perception that corruption remained endemic. NGOs claimed that endemic corruption was one cause of human rights abuses, with economically powerful interests using corrupt government officials to harass and intimidate activists and groups that impeded their businesses.

The Corruption Eradication Commission, national police, the armed forces' Special Economics Crime Unit, and the Attorney General's Office may all investigate and prosecute corruption cases. Coordination between these offices, however, was inconsistent and coordination with the armed forces unit was nonexistent. The Corruption Eradication Commission does not have authority to investigate members of the military, nor does it have jurisdiction in cases where state losses are valued at less than one billion rupiah (\$65,000).

In April the NGO Indonesian Corruption Watch reported 2019 revisions to the Corruption Eradication Commission law weakening the body's independence had resulted in a decline in its pursuit of corruption cases. Many NGOs and activists maintained that the Corruption Eradication Commission's ability to investigate corruption was limited because its supervisory body was selected and appointed by the president and because the commission was part of the executive branch. Commission investigators were sometimes harassed, intimidated, or attacked

because of their work.

In July Corruption Eradication Commission commissioner Lili Pintauli Siregar resigned amid allegations that she received benefits from the state-owned oil company Pertamina. Her resignation resulted in the cancellation of an ethics probe, and no other investigations were conducted.

Corruption: The Corruption Eradication Commission investigated and prosecuted officials suspected of corruption at all levels of government. Several high-profile corruption cases involved large-scale government procurement or construction programs and implicated legislators, governors, regents, judges, police, and civil servants. In the year to September, the commission recovered state assets worth approximately 352 billion rupiah (\$22.7 million); it conducted 67 investigations, initiated 22 prosecutions, and completed 29 cases resulting in convictions. The Attorney General Office's Corruption Taskforce was also active in the investigation and prosecution of high-profile corruption cases. Despite such efforts, most observers believed corruption remained widespread.

On September 19, the Corruption Eradication Commission reported that by that date 310 members of parliament, 154 mayors and district-level leaders, and 22 governors were implicated in corruption cases.

For example, in February the Jakarta Corruption Court found former Parliament Deputy Speaker Azis Syamusuddin guilty of bribing Corruption Eradication Commission officials Stepanus Robin Pattuju and Maskur Hussain. The court sentenced him to a 3.5-year prison term and barred him from running for office and participating in elections for four years.

In September the Corruption Eradication Commission announced it was investigating Papua Province Governor Lukas Enembe for corruption related to the construction of a church in the Mimika Regency. A court froze financial assets of the governor worth 71 billion rupiah (\$4.62 million). Accusations included channelling large amounts of Special Autonomy funds to the construction of the church in exchange for kickbacks, the transfer of funds totalling tens of millions of dollars to overseas casinos, and other misuses of public funds.

On November 28, the Corruption Eradication Commission officially named

Supreme Court Justice Galzaba Saleh as a suspect. Saleh was the second Supreme Court judge charged with corruption by the commission following the arrest of Chief Justice Sudrajat Dimiyati on September 22. Saleh allegedly received bribes worth more than \$146,000 to influence a civil case against a company.

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

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

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights organizations generally operated without government restriction, except in the Papua region, investigating and publishing findings on human rights cases and advocating improvements to the government's human rights performance. Government representatives met with local NGOs, responded to their inquiries, and took some actions in response to NGO concerns.

The United Nations or Other International Bodies: The government generally permitted UN officials to monitor the human rights situation in the country, except in the Papua region. Security forces and intelligence agencies, however, tended to regard foreign human rights observers with suspicion, especially those in the Papua region, where their operations were restricted. NGOs continued to press the government to allow representatives of the Office of the UN High Commissioner on Human Rights to visit the region to assess the human rights situation there.

Government Human Rights Bodies: Many independent agencies addressed

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

The Aceh Truth and Reconciliation Commission, established to investigate human rights violations perpetrated by the government and the then active Free Aceh Movement between 1976 and 2005, took statements from victims, former separatists, and witnesses between 2016 and 2020. As of September, no report was released to the public.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law prohibits rape, domestic abuse, and other forms of sexual or gender-based violence. The legal definition of rape covers only forced penetration of sexual organs, and filing a case requires a witness or other corroboration, such as medical evidence to support a survivor's testimony. Rape is punishable by four to 14 years in prison and a substantial fine. In April the government enacted the Sexual Violence Crime Law, strengthening the legal framework to address violence against women, including improving survivors' ability to report crimes to authorities and seek justice. The law also establishes rights for survivors of sexual violence, including the rights to respectful treatment during investigation and court proceedings, to protection from alleged perpetrators, and to restitution and rehabilitation services.

While the government imprisoned some perpetrators of rape and attempted rape, it did not enforce the law effectively; sentences were often light, and many convicted rapists received the minimum sentence. Marital rape is not a specific criminal offense in law but is covered under "forced sexual intercourse" in national legislation on domestic violence and may be punished with criminal penalties.

The National Commission on Violence against Women reported receiving 3,838

complaints of violence against women in 2021, up from 2,300 in 2020. The commission attributed the increase in part to social and economic impacts of the COVID-19 pandemic, as well as to more willingness by victims to report incidents. In September the Ministry of Women Empowerment and Child Protection, the National Commission on Violence Against Women, and Service Provide Forum reported that 127,335 women were victims of violence in 2021. The ministry stated that sexual and physical violence were the two most common abuses. Civil society activists underscored that many cases went unreported, as many victims did not report abuse because of fear of social stigma, shame, and lack of support from friends and family.

Civil society organizations operated integrated service centers for women and children in all 34 provinces and approximately 440 districts and provided counseling and support services of varying quality to victims of violence. Larger provincial service centers provided more comprehensive psychosocial services. Women living in rural areas or districts with no such center had difficulty receiving support services, and some centers were only open for six hours a day, not the required 24 hours. Nationwide, police operated “special crisis rooms” or “women’s desks” where women officers received reports from women and child survivors of sexual assault and trafficking and where survivors found temporary shelter. It was unclear how many individuals utilized these services.

Female Genital Mutilation/Cutting (FGM/C): FGM/C reportedly occurred regularly. There were no recent reliable data on FGM/C. Using 2013 data, UNICEF estimated that 49 percent of girls age 11 and younger underwent some form of FGM/C, with most girls subjected to the procedure before they were six months old. NGOs noted that the much of the FGM/C practiced in the country would be categorized as UNICEF’s “less invasive” type IV FGM/C. National law prohibiting this practice had never been tested in court, as no one had ever been charged for performing FGM/C. The Ministry of Women’s Empowerment and Child Protection continued to lead official efforts to prevent FGM/C.

Sexual Harassment: The law prohibiting indecent public acts serves as the basis for criminal complaints stemming from sexual harassment and was effectively enforced. Violations are punishable by imprisonment of up to two years and eight months and a small fine. The law recognizes and details punishments for a variety

of crimes, including physical and nonphysical sexual harassment, online gender-based violence, forced contraception, forced marriage, sexual exploitation, and online sexual violence. Civil society and NGOs reported sexual harassment was a problem countrywide. In February the Coalition of Safe Public Space released a survey indicating four out of five women in the country experienced sexual harassment in public spaces.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

NGOs reported that social stigma and bullying of girl students related to menstruation occurred, and that girl students had inadequate access to menstrual education, hygiene products, and hygienic facilities at schools. Such inadequacy prevented girls from appropriately managing menstruation, frequently resulting in absenteeism from school during menstruation.

The law recognizes the basic right of couples and individuals to decide the number, spacing, and timing of their children, but various regulations undercut its effective implementation for women. By law the government must provide information and education on reproductive health that do not conflict with religious or moral norms. NGOs reported that government officials attempted to restrict the provision of reproductive health information related to contraceptives and other services deemed as conflicting with religious or moral norms.

While condoms were widely available, regulations require husbands' permission for married women to obtain other forms of birth control. The new criminal code approved unanimously by parliament on December 6 would make it illegal for anyone other than an "authorized officer" how to use or obtain birth control. The government has two years to prepare implementation guidelines, which may determine how the law is enforced and to whom it applies. The code was not in effect as of December 31 and could take up to another three years before coming into force.

Local NGOs reported that unmarried women found it difficult to obtain contraceptives through health-care systems. Media and NGOs reported such women were stigmatized, including by health-care staff who repeatedly asked

about marital status and sometimes turned away unmarried women seeking routine procedures such as pap smears.

NGOs reported that reproductive health services were not consistently provided to survivors of sexual violence. NGOs reported rape survivors sometimes experienced difficulties obtaining emergency contraceptives from medical providers.

According to 2017 World Health Organization data, the maternal mortality rate was 177 per 100,000 live births, down from 184 in 2016. The Ministry of Health and NGOs identified several factors contributing to the high maternal mortality rate, including lack of training for midwives and traditional birth attendants, continued lack of access to basic and comprehensive emergency obstetric care, and limited availability of essential maternal and neonatal medications. Hospitals and health centers did not always properly manage complicated procedures, and financial barriers and the limited availability of qualified health personnel caused problems for referrals in case of complications. A woman's economic status, level of education, and age at marriage also affected maternal mortality.

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

Divorce is available to both men and women. Many divorced women received no alimony, since there is no system to enforce such payments. The law requires a divorced woman to wait 40 days before remarrying; a man may remarry immediately.

The National Commission on Violence against Women viewed many local laws and policies as discriminatory. These included "morality laws" and antiprostitution regulations.

In October the Ministry of Education issued a new regulation on state school uniforms stressing the freedom of students to choose whether to wear or not to

wear a hijab. Prior to the October regulation, increasing numbers of schools and local governments forced girls to wear the hijab in schools. In August media reported one student in Bantul, Yogyakarta, was forced to wear a hijab, traumatizing her and leading to depression. A March report by Human Rights Watch detailed widespread and intense social pressure for women to wear hijabs in schools and government offices, in addition to requirements in official regulations. Women faced discrimination in the workplace, both in hiring and in gaining fair compensation (see section 7.d.).

Systemic Racial or Ethnic Violence and Discrimination

The law contains provisions specifically aimed at eliminating racial and ethnic discrimination, providing criminal penalties for individuals who discriminate on ethnic/racial grounds, as well as sentencing enhancements for violent actions that include a racial or ethnic motivation. The government did not always enforce the law effectively. Public officials frequently spoke to the importance of tolerance and diversity in a multiethnic country, but discriminatory practices often went unpunished. The law defines hate speech as spreading hate against a race, tribe, religion, or group. The government generally applied hate speech law in cases related to race.

NGOs reported that persons of Melanesian descent, predominantly from the Papua region, faced widespread discrimination throughout the country. Persons of Melanesian descent often faced police abuse. In January a teacher in Jember, East Java, was punished for using derogatory language toward an ethnic Papuan student.

Papuan activists emphasized that although the Papua region is rich in natural resources, the local Melanesian population has historically not fully benefitted from these resources and much of the local economy has long been controlled by non-Melanesians. Statistics Indonesia, a government agency, reported that in 2021 the provinces of the Papua region had the lowest Human Development Index and highest poverty rate of the country's 34 provinces. In 2021 the House of Representatives extended special autonomy for the then provinces of Papua and West Papua, which included an increase in the yearly allocation of government funds to Papua from 2 to 2.25 percent of the national budget intended to address

this inequality. Opponents claimed the economic benefits of this increase would disproportionately benefit non-Melanesians. In June the House of Representatives divided Papua Province to create three additional provinces. The government claimed this would speed up development and enhance the delivery of public services in the region.

Indigenous Peoples

The government viewed most citizens as “indigenous” but recognized the existence of several “isolated communities” and their right to participate fully in political and social life. The Indigenous Peoples’ Alliance of the Archipelago estimated that between 50 and 70 million Indigenous persons were in the country. These communities include the Dayak tribes of Kalimantan, families living as sea nomads, and the 312 officially recognized Indigenous groups in Papua. Indigenous persons, most notably those from the Papua region, were subjected to discrimination.

There was little improvement in respect for Indigenous persons’ traditional land rights, and access to ancestral lands remained a major source of tension throughout the country. The government, often in collusion with local military and police units, failed to prevent companies from encroaching on Indigenous groups’ land. Central and local government officials were also alleged to have extracted kickbacks from mining and plantation companies in exchange for land access at the expense of Indigenous groups.

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

NGOs reported that as of 2021, only approximately 220 of a proposed 42,471 square miles was granted to local Indigenous groups, with the government occupying 927 square miles of this land. These *hutan adat* (customary forest) land grants are specifically designated for Indigenous groups. Nevertheless, large corporations and the government continued to displace individuals from ancestral lands. NGOs reported that security forces and police sometimes became involved

in disputes between corporations and Indigenous communities, often taking the side of the businesses.

Amnesty International reported that in 2021, 44 Indigenous rights defenders and environmental activists were arrested, physically attacked, and intimidated. According to the NGO AMAN, as of September there were 13 cases of Indigenous land being allocated by the government to other purposes, affecting more than 103,000 individuals. NGOs described systematic efforts to undermine Indigenous communities' customary rights.

In 2021 the West Papua government rescinded 12 licenses held by companies operating palm oil plantations in the province after collaborating with the Corruption Eradication Commission and the NGO EcoNusa. As of September, the status of the 1,034 square miles of land remained unresolved, leaving it open to encroachment and illegal exploitation, NGOs said.

In 2021 security personnel from PT Toba Pulp Lestari clashed with thousands of residents in Toba Regency, North Sumatra, who protested the company's activities on what they claimed was Indigenous land. In August police forced their way through a barricade erected by protesters and opened fire using rubber bullets.

Children

Birth Registration: Citizenship is derived through the citizenship of one's parents. If citizenship of the parents cannot be determined, or the parents lack citizenship, citizenship can be acquired by birth in national territory.

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

Education: Although the constitution states that the government must provide tuition-free education up to grade nine; it does not cover fees charged for schoolbooks, uniforms, transportation, and other nontuition costs. The Ministry of Education and Culture, representing public and private schools, and the Ministry of Religious Affairs for Islamic schools and madrassahs, operated a system giving students from low-income families a financial grant for their educational needs.

Nonetheless, high poverty rates nationwide put education out of reach for many children.

According to the Ministry of Women's Empowerment and Child Protection's 2020 *Children Profile Report*, approximately 10.3 million children ages five to 17 had not attended school and 3.03 million children had dropped out of school.

Child Abuse: The law prohibits child abuse, but NGOs criticized the slow police response to such allegations. The law also addresses economic and sexual exploitation of children.

Child, Early, and Forced Marriage: The minimum marriage age for women and men is 19. Exceptions to the minimum age requirements are allowed with court approval. The courts officially permitted more than 59,000 child marriages with parental consent in 2021.

The National Statistics Agency reported in 2018 that approximately 11 percent of girls in the country married before the age of 18. Provinces with the highest rates of early marriage include West Sulawesi, Central Kalimantan, Southeast Sulawesi, South Kalimantan, and West Kalimantan. The main drivers of early marriage were poverty, cultural tradition, religious norms, and lack of sexual reproductive health education. The National Commission on Women's Rights reported that some of these child marriages involved the victims of sexual abuse marrying their abusers.

In April Bandung High Court handed down a death sentence to a former religious teacher and founder of an Islamic boarding school, Heru Wirawan, who was convicted of raping 13 schoolgirls between 2016 and 2021. In July media reported on a rape survivor, age 14, at a religious school in Tuban, East Java, who gave birth to a child after she was forced to marry her rapist. The victim's parents agreed to legalize the underage marriage, to the son of a prominent local figure, through a marriage dispensation. The accused had allegedly groomed the victim for more than a year while she lived at the school.

The reduction of child marriage was one of the targets set in the *National Mid-Term Development Plan 2020-2024*. The government aimed to reduce new child marriages to 8.7 percent of all marriages by 2024.

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

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

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

Displaced Children: Ministry of Social Affairs data from December 2020 estimated there were 67,368 street children in the country. The government continued to fund shelters administered by local NGOs and paid for the education of some street children.

Institutionalized Children: The Ministry of Social Affairs reported that in 2019 183,104 children were registered in its Integrated Social Welfare Data system, of whom 106,406 were residing in 4,864 child welfare institutions; 76,698 were in family placement.

Antisemitism

The country's Jewish population was extremely small, estimated at approximately 200. There were no significant reports of antisemitism, but studies in recent years indicated a high level of antisemitic sentiment, often linked with strong anti-Israel sentiment.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No national law criminalizes consensual same-sex sexual conduct between adults; however, NGOs reported several cases where vaguely defined laws related to pornography and facilitation of prostitution were used to criminalize LGBTQI+ individuals. NGOs reported numerous local government regulations that define same-sex sexual conduct as a form of sexual deviance. Aceh's sharia makes consensual same-sex sexual conduct illegal and punishable by a maximum of 100 lashes, a considerable fine, or a 100-month prison term. According to Aceh's sharia agency chief, at least four witnesses must observe individuals engaging in consensual same-sex sexual conduct for them to be charged. NGOs reported that fear of prosecution under Aceh's sharia at times caused LGBTQI+ activists to flee the province, sometimes permanently.

In September a military tribunal in Jakarta dismissed five soldiers and sentenced them to prison for having same-sex intercourse. Two were sentenced to six months, the other three to five months in prison. The judges stated that same-sex sexual activity was harmful to the service and went against religious and decency norms.

Violence against LGBTQI+ Persons: Police corruption, bias, and violence caused LGBTQI+ persons to avoid interaction with police. Officials often ignored formal complaints by victims and affected persons, including refusing to investigate bullying directed at LGBTQI+ individuals. In criminal cases with LGBTQI+ victims, police investigated the cases reasonably well. According to media and NGO reports, local authorities harassed transgender persons, including by forcing them to conform to cultural standards of behavior associated with their biological sex or to pay bribes following detention. In many cases, officials failed to protect LGBTQI+ persons from societal abuse.

Discrimination: Antidiscrimination law does not protect LGBTQI+ individuals, and discrimination against LGBTQI+ persons continued. Transgender persons faced discrimination in employment and access to public services and health care. NGOs documented government officials' refusal to issue identity cards to

transgender persons.

On May 13, an official from the Ministry of Health characterized homosexuals and bisexuals as persons with mental challenges. In July Jakarta Deputy Governor Ahmad Riza Patria warned against an “LGBT tendency” after observing a fashion show, remarks civil society groups called discriminatory.

In December Anwar Abbas, the Deputy Chairman of the Indonesian Council of Ulama, told the press that LGBTQI+ ideas posed a threat to the country’s religious and cultural values. The Indonesian Middle East Alumni Association Chairperson KH Muhyiddin Junaidi said, “LGBT is a mental illness that must be treated, because it is very dangerous for the survival of humanity.” House member Nasyirul Falah Amru stated that as a nation firmly committed to Pancasila, the country could not accept the “LGBT” movement. Meanwhile, the hashtag #UsirLGBTDariIndonesia (Kick out LGBT from Indonesia) emerged on Twitter.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: No law or regulation prohibits or otherwise restricts so-called conversion therapy practices. According to activists, transgender individuals were at times subjected to “therapy” such as exorcism practices, religious camps, and other traumatic practices. Families often put LGBTQI+ minors into therapy, confined them to their homes, or pressured them to marry persons of the opposite sex.

NGOs criticized a law in the city of Bogor, West Java, aimed at “rehabilitating” those perceived to suffer from abnormal sexual behavior, saying it violated rights and targeted sexual and gender minority communities.

Availability of Legal Gender Recognition: Updating gender markers on legal documents is possible but requires completed medical interventions including surgery, attested to by court order, regardless of whether surgery is desired by the individual.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: Some LGBTQI+ advocacy groups reported that when attempting to register their organizations, they were unable to state explicitly that they were LGBTQI+ advocacy groups on their registration certificate. LGBTQI+ NGOs operated but

frequently held low-key public events because the licenses or permits required for holding registered events were difficult to obtain or they were pressured by police not to hold such events to avoid creating “social unrest.” The federal government had not acted to address local laws that criminalize LGBTQI+ groups despite their non-conformance with national legislation, according to NGOs.

Producing media depicting consensual same-sex sexual conduct – vaguely and broadly defined in the law – may be prosecuted as a crime. Penalties include potentially extremely large fines and imprisonment from six months to 15 years, with heavier penalties for crimes involving minors. NGOs reported that the Ministry of Communication and Information Technology sometimes requested removal from internet sites of information related to LGBTQI+ issues.

Government bodies censored domestic and imported movies for depicting same-sex relationships and prohibited television programs from having LGBTQI+ content.

In August social media influencer Dimas Adipati in Makassar was sentenced to 18 months in prison (reduced to 12 months on appeal) for posting LGBTQI+-related content on social media.

Persons with Disabilities

Persons with disabilities were not able to access education, health services, public buildings, and transportation on an equal basis with others. The law mandates accessibility to public facilities for persons with disabilities. The law applies to education, employment, health services, transportation, and other state services but was seldom enforced. Comprehensive disability rights law provisions impose criminal sanctions for violators of the rights of persons with disabilities. Persons with disabilities were disproportionately affected by the COVID-19 crisis. They had difficulties accessing information on the pandemic and virus-related public health strategies and receiving health care from service providers.

There was no reliable data on the access of children with disabilities to education, but observers believed their attendance rate was lower than that of other children.

Despite a government ban, NGOs reported that families, traditional healers, and staff in institutions continued to shackle individuals with psychosocial disabilities,

in some cases for years. The government continued to prioritize elimination of this practice. The Ministry of Social Affairs reported a steep reduction in 2021, estimating that more than 4,700 persons with psychosocial disorders had been freed that year.

Other Societal Violence or Discrimination

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

Individuals suspected of using black magic were often targets of violence. In 2021 prisoners in Merauke, Papua, killed two ethnic Marind prisoners accused of using magic to curse other prisoners.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

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

The law stipulates that 10 or more workers have the right to form a union, with membership open to all workers, regardless of political affiliation, religion, ethnicity, or gender. The Ministry of Manpower records, rather than approves, the formation of a union, federation, or confederation, and provides it with a registration number.

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

The law includes some restrictions on collective bargaining, including a requirement that a union or unions represent more than 50 percent of the company workforce or receive a vote of more than 50 percent of all workers to negotiate a collective labor agreement. Workers and employers have 30 days to conclude a collective labor agreement. Such agreements have a two-year lifespan that the parties may extend for one year. Unions noted the law allows employers to delay the negotiation of collective labor agreements with few legal repercussions.

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

All strikes at “enterprises that cater to the interests of the general public or at enterprises whose activities would endanger the safety of human life if discontinued” are deemed illegal. Regulations do not specify the types of

enterprises affected, leaving this determination to the government's discretion. Presidential and ministerial decrees enable companies or industrial areas to request assistance from police and the military in the event of disruption of or threat to "national vital objects" in their jurisdiction. The International Labor Organization reported that the regulatory definition of "national vital objects" imposed overly broad restrictions on legitimate trade union activity, including in export processing zones. Human rights activists and unions alleged that the government continued to label companies and economic areas as "national vital objects" to justify the use of security forces to restrict strike activity.

The government did not always effectively enforce provisions of the law protecting freedom of association or preventing antiunion discrimination. Antiunion discrimination cases moved excessively slowly through the court system. Bribery and judicial corruption in workers' disputes continued, and unions claimed that courts rarely decided cases in the workers' favor, even in cases in which the Ministry of Manpower recommended in favor of the workers. While such workers sometimes received severance pay or other compensation, they were rarely reinstated. Authorities used some legal provisions to prosecute trade unionists for striking, such as the crime of "instigating a punishable act" or committing "unpleasant acts," which criminalized a broad range of conduct.

Penalties for criminal violations of the law protecting freedom of association and the right to enter into collective labor agreements include a prison sentence and fines and were generally commensurate with similar crimes. Penalties, however, were rarely applied against violators. Local Ministry of Manpower offices were responsible for enforcement including in export-promotion zones. Enforcement of collective bargaining agreements varied based on the capacity and interest of individual regional governments.

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

for losses suffered in strikes.

Many strikes were unsanctioned or “wildcat” strikes that broke out after a failure to settle long-term grievances or when an employer refused to recognize a union. Unions reported that employers also used the bureaucratic process required for a legal strike to obstruct unions’ right to strike. Unions noted that employers’ delays in negotiating collective labor agreements contributed to strike activity and legal measures taken against union members in the event of a failed agreement negotiation.

The law eliminated restrictions on outsourcing labor and allows for increased use of contract labor, compared to before the law’s passage. Under the law, outsourcing contract labor may be done for any business activity without limitation. The provider company, rather than the user company, is solely responsible for the working conditions and wages of contract workers. The user company may source contract workers from multiple outsourcing companies, making it impossible for workers to bargain collectively at the workplace.

The law provides vague limits to the use of fixed-term contracts. For example, fixed-term contracts may be used for any work that is temporary in nature or may be completed in “not too long a time.” The implementing regulations also increased the maximum duration of fixed contracts from three to 10 years. These broad guidelines made it difficult to ensure that the threat of contract renewal was not used to inhibit freedom of association and collective bargaining.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, prescribing penalties of imprisonment and a fine, but the government did not effectively enforce it.

To prevent forced labor among Indonesian workers abroad, the National Social Security Administration enrolls these migrant workers and their families in the national social security program, enables authorities to prosecute suspects involved in illegal recruitment and placement of workers, and limits the role of private recruitment and placement agencies by revoking their authority to obtain travel documents for migrant workers. Government agencies may suspend the licenses of recruitment agencies for coercive or deceptive recruitment practices and contract

signings, sending migrant workers to an unauthorized destination country, document forgery, underage recruitment, illegal fees (such as requesting several months of workers' salaries), and other violations.

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

On July 13, the Indonesian ambassador to Malaysia announced a temporary moratorium on sending migrant workers to that country, citing concerns that Malaysia was not abiding by the terms of a memorandum of understanding signed in April that was designed to protect workers and prevent human trafficking. Within days, Minister of Manpower Ida Fauziyah announced the suspension would be lifted on August 1, citing an agreement to harmonize recruitment practices between the two countries using a single online system.

The government did not effectively enforce antitrafficking law. There were credible reports that forced labor occurred, including forced and compulsory labor by children (see section 7.c.). Forced labor also occurred in domestic service, mining, manufacturing, fishing and fish processing, construction, and plantation agriculture. On September 1, the Indonesia Ocean Justice Initiative published a report on migrant workers concluding that legal frameworks were insufficient to protect migrant fishermen, finding that unscrupulous recruitment and placement agents subjected them to forced labor, and that law enforcement and complaint mechanisms were insufficient.

In November the Stabat District Court found four defendants guilty of torturing to death two persons trafficked to work on a palm oil plantation in North Sumatra, and four others guilty of human trafficking. The victims had been held in cages on the property of Terbit Rencana, the head of Langkat Regency, which were discovered in January not long after the Corruption Eradication Commission arrested then Regent Terbit Rencana for graft. For more than 10 years, dozens of

victims had been held in cages on the property and forced to work on his palm oil plantation, allegedly as part of an unofficial drug rehabilitation program. The North Sumatra Police named Rencana a suspect in the investigation but had not charged him as of November. The National Commission on Human Rights recommended police and the military further investigate the alleged role in the abuses played by members of the police and military.

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

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

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

The government did not effectively enforce the law. Penalties were commensurate with those for violations of similar laws, but they were rarely applied against violators. According to NGOs, antidiscrimination protections were not always observed by employers or the government. Human rights groups reported some government ministries discriminated against pregnant women, persons with disabilities, LGBTQI+ individuals, and HIV-positive persons in hiring.

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

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

e. Acceptable Conditions of Work

Wage and Hour Laws: Minimum wages varied throughout the country since provincial governors had authority to set a minimum wage floor and district heads had authority to set a higher rate. The minimum wage in 19 of 34 provinces was below the national poverty income level.

Most workers are not covered by the minimum wage laws. Government regulations exempt employers in certain sectors, including small and medium enterprises and labor-intensive industries such as textiles, from minimum wage requirements. Guidelines base the minimum wage on economic conditions, with purchasing power parity, manpower absorption levels, and median wage key variables in the calculation. The implementing regulations require sectors exempt from minimum wage rules to pay workers at least 50 percent of the average public consumption or 25 percent above the poverty level of their province and make part-time workers eligible for hourly wages.

For certain sectors, the overtime rate for work more than a 40-hour workweek is 1.5 times the normal hourly rate for the first hour and twice the hourly rate for additional overtime, with a maximum of four hours of overtime per day and a maximum of 18 hours per week. The law allows certain businesses that require temporary employees to be exempt from the 40-hour workweek. According to the February implementing regulation related to this provision, the sectors exempt from the 40-hour workweek include, but are not limited to, energy and natural resources, mining, natural gas and oil, agribusiness, and fisheries.

Occupational Safety and Health: The law requires employers to provide a safe and healthy workplace and to treat workers with dignity and provides appropriate standards for the main industries. Inspectors did not actively identify unsafe conditions as their capacity to conduct inspections is limited by resources and training. The government was engaged to create a separate entity that conducts occupational safety and health inspections and improve the capacity of its inspectors. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment.

Plantation agriculture workers often worked long hours without government-

mandated health insurance benefits. They lacked proper safety gear and training in pesticide safety. Most plantation operators paid workers by the volume of crop harvested, which resulted in some workers receiving less than minimum wage and working extended hours to meet volume targets. Gig workers were not protected under wage, work hours, and occupational safety and health regulations.

There were no reliable national estimates for workplace deaths or injuries. Unions continued to urge the government, especially the Ministry of Manpower, to do more to address the country's poor worker safety record and lax enforcement of health and safety regulations, particularly in the construction sector. The government provided guidance to businesses to address COVID-19.

Wage, Hour, and OSH Enforcement: Authorities enforced labor regulations, including minimum wage regulations, only for the estimated 43 percent of workers in the formal sector. Local officials from the Ministry of Manpower are responsible for enforcing minimum wage, work hours, and occupational safety and health regulations. Penalties for violations include fines and imprisonment (for violation of the minimum wage law), which were generally commensurate with those for similar crimes. Government enforcement was inadequate, particularly at smaller companies, and supervision of labor standards was not fully enforced with penalties rarely applied against violators. Provincial and local officials often did not have the technical expertise needed to enforce labor law effectively. Inspectors have the authority to make unannounced inspections and may initiate sanctions in the formal sector. The number of inspectors employed by the Ministry of Manpower was inadequate to enforce compliance.

Informal Sector: Workers in the informal sector (an estimated 57 percent of the labor force) did not receive the same protections or benefits as workers in the formal sector, in part because they had no legal work contract that labor inspectors could examine. The law does not mandate that employers provide domestic workers with a minimum wage, health insurance, freedom of association, an eight-hour workday, a weekly day of rest, vacation time, or safe work conditions.