

HRW World Report 2017 – Indonesia. Events of 2016.

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President Joko “Jokowi” Widodo’s [rhetorical support for human rights](#) has yet to translate into meaningful policy initiatives to address the country’s serious rights problems. In 2016, Jokowi notably failed to speak out against or otherwise address discriminatory statements and policies issued by senior government and military officials that have [fueled violations of the rights of religious minorities](#) and the country’s [lesbian, gay, bisexual, and transgender \(LGBT\) population](#)

Religious minorities in Indonesia continue to face discriminatory regulations and violent attacks by Islamist militant groups. Impunity for the security forces in the provinces of [Papua and West Papua](#) also remains a serious problem and [dozens of Papuans remain imprisoned for](#) nonviolent expression of their political views.

In April 2016, the government broke a decades-long taboo on open discussion of the state-backed massacres of up to 1 million alleged Communists and others in 1965-1966, [hosting a symposium for survivors and victim’s families](#) to challenge the official narrative that the killings were a heroic defense of the nation against a Communist plot to overthrow the government.

However, the government has provided no details of an officially mooted [accountability process for the massacres](#), including when it might begin operations. Jokowi's decision in July 2016 to appoint former General [Wiranto as security minister](#), who was indicted by a UN-supported tribunal for crimes against humanity, has heightened concerns about his administration's commitment to human rights and accountability.

Jokowi continues to be outspoken in his support for the death penalty, making execution of convicted drug traffickers a symbol of his resolve as a leader. Indonesia [executed four convicted drug traffickers](#) in July 2016, but ordered a [last-minute delay in the executions of 10 other death row prisoners](#) pending a "comprehensive review" of their cases. The government has indicated that [executions will continue in 2017](#).

Thousands of children in Indonesia, some just 8 years old, are working in hazardous conditions on tobacco farms.

1. Freedom of Religion

In January, Indonesian officials and security forces were complicit in the violent forced eviction of more than 7,000 members of the [Gerakan Fajar Nusantara religious community](#), known as Gafatar, from their homes in East and West Kalimantan.

Human Rights Watch research found that security forces failed to protect members of Gafatar, standing by while mobs from the ethnic Malay and Dayak communities looted and destroyed properties owned by group members, many of whom originally came from Java. Government officials transferred Gafatar members to unofficial detention centers and then to their home towns, not as a short-term safety measure, but apparently to end their presence on the island and dissolve the religious group.

In March 2016, the Jokowi administration issued [a decree banning Gafatar activities](#) ; punishments for violations include a maximum five-year prison term. The government also arrested three Gafatar leaders who face [possible prison terms of life imprisonment on charges of blasphemy and treason](#)

In January 2016, local government authorities [banned the activities of the Ahmadiyah religious community](#) in Subang, West Java. Neither Jokowi nor other national officials spoke out or intervened to lift the ban. That same month, local government officials on Bangka Island, located off the east coast of Sumatra, instructed the island's Ahmadiyah community to [convert to Sunni Islam or face forcible expulsion from the area](#) . Neither Jokowi nor other central government officials spoke out in defense of the beleaguered Ahmadiyah communities.

In July 2016, a mob in the city of Tanjung Balai in northern Sumatra [attacked and inflicted serious damage on three Buddhist temples](#) associated with the city's ethnic Chinese community. Police deny that the attack was sectarian and arrested seven suspects in the attack.

1. Women's and Girls' Rights

In June 2016, Indonesia's Minister of Home Affairs Tjahjo Kumolo backtracked on his [commitment to abolish rights-violating local and regional Sharia \(Islamic law\) regulations](#) . Although his office annulled 3,143 other "problematic regional regulations" for violating the country's credo of "unity in diversity" and although Indonesian law stipulates that regulation of religion is for national, not regional or local authorities, the ministry left in place all existing Sharia provisions, many of them discriminatory.

Indonesia's official Commission on Violence against Women reported that, as of August 2016, the number of [discriminatory national and local regulations targeting women](#) had risen to 422, from 389 at the end of 2015. They include local laws compelling women and girls to don the hijab, or headscarf, in schools, government offices, and public spaces. While many of these laws require traditional Sunni Muslim garb both for women and men, [research by Human Rights Watch indicates they disproportionately target women](#)

A local bylaw implemented in August in Sumedang, West Java, [forbids anyone with an “eye-catching appearance”](#) from going out alone at night. The municipal government justified the regulation on the basis that it would help discourage sexual activity.

1. Papua

The Jokowi administration has repeatedly said it intends to take a new approach to Indonesia’s easternmost provinces, Papua and West Papua (“Papua”), home to a low-level insurgency and a peaceful pro-independence movement, including by addressing human rights concerns. The reality has not matched the rhetoric.

In April 2016, the government announced that it would [seek accountability for 11 high-priority past human rights cases in Papua](#)

They include the Biak massacre in July 1998, when security forces opened fire on participants at a peaceful flag-raising ceremony on the island, the military crackdown on Papuans in Wasior in 2001 and Wamena in 2003 that left dozens killed and thousands displaced, and the forced break-up of the Papuan People’s Congress in October 2011 that left three people dead and hundreds injured. However, the government has not provided any details as to when, where, and how the cases would be addressed.

Indonesian authorities continue to restrict access by foreign journalists and rights monitors to the region. In January 2016, the Indonesian Embassy in Bangkok informed Bangkok-based France 24 correspondent Cyril Payen that it had [denied his application for a journalist’s visa for a reporting trip to Papua](#)

Indonesian government officials justified the visa rejection on the basis that Payen’s previous [reporting](#), which focused on pro-independence sentiment in the region, was “biased and unbalanced.” Rather than engaging with Payen and France 24 to publicly challenge any inaccuracies in the previous reporting, authorities threatened to deny visas to Payen and any other France 24 journalists seeking to report from the country. Payen’s case highlights the gap between Jokowi’s

[announced “opening” of Papua](#) to foreign media and the reality facing journalists still blocked from reporting there.

On May 2, Indonesian police [detained more than 1,500 supporters of Papuan](#) independence for “lacking a permit to hold a rally.” Police released the detainees after several hours without charge, but their detention underlines the official lack of tolerance for peaceful expression of political aspirations in Papua. At the end of August 2016, [37 Papuan activists remained imprisoned after being convicted of rebellion or treason](#) (“*makar*”), many for nonviolent “crimes” such as public display of the pro-independence Morning Star flag.

1. Sexual Orientation and Gender Identity

Indonesian government officials made a series of anti-LGBT comments, resulting in proposals of laws which pose a serious threat to the rights and safety of LGBT Indonesians.

Starting in January 2016, high-ranking Indonesian officials made a series of vitriolic anti-LGBT statements and policy pronouncements, fueling increased threats and at times violent attacks on [LGBT activists](#) and individuals, primarily by Islamist [militants](#). In some cases, the threats and violence occurred in the presence, and with the tacit support, of government officials or security forces.

State institutions, including the National Broadcasting Commission and the National Child Protection Commission, issued censorship directives banning information and broadcasts that portrayed the lives of LGBT people as “normal” as well as so-called propaganda about LGBT lives. Ministries proposed [discriminatory and regressive anti-LGBT laws](#).

In July and August, the Constitutional Court [heard a petition](#) that proposed amending the criminal code to criminalize sex outside of marriage and same-sex sexual relations. During the initial hearings, the petitioners—led by a group called the Family Love Alliance—put forward ill-informed and bigoted testimony similar to the anti-LGBT rhetoric espoused by Indonesian officials and politicians earlier in the year. The government, the respondent in the case, [said criminalizing sex](#) out of wedlock would make “the sinner a criminal, and the government authoritarian,” a view

echoed in testimony by the National Commission on Violence Against Women and other groups opposed to the petition. At time of writing the court had not yet ruled on the petition.

1. Military Reform and Impunity

Indonesia's Attorney General Muhammad Prasetyo announced in May 2015 that the government would form a "Reconciliation Commission" to seek a "permanent solution for all unresolved human rights abuses" of the past half century. Prasetyo said the cases would include the state-sanctioned massacres of 1965-1966, in which the military and military-backed vigilantes killed up to 1 million people.

The government provided no further details of when the "Reconciliation Commission" might begin operations or how the process of accountability would proceed. Paramilitary and nationalist groups that oppose accountability have criticized calls for redress for past rights abuses as an attempt "to revive communism."

Jokowi's July 2016 decision to appoint [Wiranto, indicted as a crimes against humanity suspect by a UN-backed tribunal](#), as security minister heightened concerns about the Jokowi administration's commitment to human rights and accountability.

1. Children's Rights

Thousands of children in Indonesia, some just 8 years old, are working in hazardous conditions on tobacco farms. Child tobacco workers are exposed to nicotine, handle toxic chemicals, use sharp tools, lift heavy loads, and work in extreme heat. The work can have lasting consequences for their health and development. Indonesian and multinational tobacco companies buy tobacco grown in Indonesia, but none do enough to ensure that children are not doing hazardous work on farms in their supply chains. Human Rights Watch has called on the Indonesian government and tobacco companies to prohibit children from work that involves direct contact with tobacco, inspect farms to ensure children are not in danger, and carry out an extensive public education and training program to raise awareness of the health risks to children of work in tobacco farming.

1. Disability Rights

People with psychosocial disabilities (mental health conditions) in Indonesia are shackled or forced into institutions where they often face physical and sexual violence, involuntary treatment including electroshock therapy, seclusion, restraint and forced contraception.

Despite a 1977 government ban on the practice, more than 18,000 people with psychosocial disabilities (mental health conditions) in Indonesia are currently subjected to *pasung*—being shackled or locked up in small confined spaces—sometimes for months or years at a time.

Due to prevalent stigma and the absence of adequate community-based support services or mental health care, people with psychosocial disabilities often end up locked-up in overcrowded and unsanitary institutions without their consent, where they face abuse ranging from physical and sexual violence to involuntary treatment including shackling, electroshock therapy, isolation, and forced contraception.

The Rights of Persons with Disabilities Bill was passed by the Indonesian parliament in March 2016. While the bill represents a major advancement, it does not fully comply with the UN Convention on the Rights of Persons with Disabilities, which Indonesia ratified in 2011.

During a meeting with Human Rights Watch in April 2016, Indonesia's minister of health, Nila Moeloek, orally committed to providing mental health medication in all 9,500 community health centers (*puskesmas*) across the country. Government implementation of this commitment could help turn the tide against shackling.

1. Refugees and Asylum Seekers

In June, the government [t acceded to international pressure and allowed a boatload of 44 Sri Lankans](#) stranded on a beach in northern Aceh province to come ashore and receive assistance from UN and International Organization for Migration personnel. The decision followed a 10-day standoff in which Indonesian authorities refused to allow the group to disembark and instead insisted that the boat leave Indonesian waters after being resupplied and refueled.

According to UN refugee agency [data](#) , as of February 2016 there were 13,829 refugees and asylum seekers in Indonesia, all living in legal limbo because Indonesia is not a party to the Refugee Convention and lacks an asylum law. This number included [4,723 people detained in immigration centers](#) , including unaccompanied children.

1. Key International Actors

Jokowi’s support for the use of the death penalty against convicted drug traffickers has strained ties over the past year with close bilateral allies, including Australia. The likelihood of more executions in 2017 will continue to make that issue a sore point in Indonesia’s foreign relations.

A July 2016 decision by a UN-backed tribunal in The Hague against [China's claims in the South China Sea](#) will bolster and ensure the continuance of joint military exercises and intelligence sharing with the United States in 2017. Indonesia’s own claims of an exclusive economic zone in that area may fuel more disputes between Indonesian navy patrols and Chinese fishing boats in the coming year. However, the Indonesian government’s passive and active complicity in hateful anti-LGBT rhetoric and moves toward discriminatory legislation over the past year will likely continue to be an irritant in US ties.

In August, the US government called on Indonesia to “respect and uphold international rights and standards” after Jokowi’s spokesman Johan Budi declared that there was “no room” for the LGBT community in Indonesia.