The State of Human Rights in Indonesia

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With the passing of the Universal Declaration of Human Rights, concerns regarding human rights abuses within individual nations has taken the global stage. Since the UDHR was adopted in 1948, essentially all of the world’s nations have ratified the document, and all nations are held to the rights afforded by it. Yet, it is estimated that torture is still implemented in 150 nations around the world, and a multitude of other rights are violated to differing degrees in many nations annually. The following analysis of Indonesia as a case study will illustrate how human rights violations continue in modern times due to persisting conditions and histories of nations.

**Background**

Indonesia is a country located in Southeast Asia, with over 238 million people living on the 13,466 islands that comprise the nation’s 33 provinces. Indonesia is a republic, with an elected legislature and president, and the capital is located in Jakarta. Additionally, Indonesia is founding member of ASEAN and is a member of the G-20 major economies. In fact, economically, Indonesia is rated eighteenth largest in the world by GDP and fifteenth largest by purchasing power. Because of the multitude of islands, there is vast diversity in ethnic, linguistic, and religious groups. The Javanese are the largest, and the politically dominant, ethnic group. Indonesia maintains vast areas of wilderness and the world’s second highest level of biodiversity despite its large population and densely populated regions. While Indonesia has many natural resources available, a large portion of the country remains in relative poverty (CIA, 2011).

**A Brief History**

Beginning in 1602, the Dutch began to exert control over what is modern day Indonesia,
establishing themselves as the rulers of the islands, except for East Timor, which remained under the control of Portugal until 1975. During the 20th century, the Indonesian independence movement began to pick up speed, especially between the two World Wars, and many of the leaders of the movement were imprisoned by the Dutch for their political activities. When the Japanese took over the island, because of their immense cruelty to captured western Allies and the Dutch, there was no Indonesian guerrilla movement against them. However, when the Japanese became increasingly harsh with their rule, the independence movement renewed its prewar momentum. The hostilities with the Dutch came to an end in 1949, but colonialism and its violent end left a legacy of mistrusting foreign motives. With the development of a constitution, a major question was to what extent Islam would have an influence on the administration. Currently, Indonesia is a secular state, maintaining the world's largest Muslim population and recognizing only six religions – Islam, Protestantism, Roman Catholicism, Hinduism, Buddhism, and Confucianism. The Dutch remained in West Papua, and when a deal was made with the Dutch for Indonesia to take over administrative control of that region, guerrilla movements were founded, continuing to this day in support of Papuan independence from Indonesia. In mid-1997, Indonesia suffered from the Asian economic crisis in conjunction with the worst drought in 50 years and falling commodity export prices; the rupiah depreciated in value and inflation rose significantly. Demonstrators called for President Suharto's resignation, and 3 months after his election, Suharto's Vice President, B.J. Habibie, became Indonesia's third President. He released several prominent political prisoners, began investigations into the unrest, initiated economic stabilization programs, and lifted controls on the press, political parties, and labor unions (Brundige, King, Vahali, Vladeck, & Yuan 2004, 10-14; Freedom House 2010, 44-46; US Department of State 2011c).
Despite these advances, when, in 1999, the people of West Papua voted for independence from Indonesia in a vote performed in conjunction with the UN, many people were killed by “Indonesian military forces and military-backed militias in a wave of violence and destruction after the announcement of the pro-independence vote” (US Department of State, 2011.). In order to curb the nationalism growing in West Papua, the government and military engaged in harsh tactics that included mass arrests and even torture, and Indonesian military leaders began making public threats against those who voted for West Papuan independence (Brundige, King, Vahali, Vladeck, & Yuan 2004, 16-18).

Indonesia, however, has developed a reputation for “pluralism and moderate Islam while doing more to protect freedom of expression than many of its neighbors.” Yet, there are concerns that this pluralism and freedom is declining, as seen in the increase of violent attacks on religious minorities supported by the new “blasphemy provision.” While the provisions which criminalized insults and criticism of the government were found in violation of the Indonesian Constitution, setbacks, such as an excessively broad anti-pornography law, have pushed Indonesia back (Freedom House 2010, 43).

**Indonesia's Human Rights Record**

Rizal Sukma argues that, due to political instability in the 1990s, the military was placed in a situation that allowed human rights to take place. Because of the military's position in the struggle between the President Habibie and the Golkar groups on the one hand, and the and the opposition parties on the other, the 'rogue elements' in the military knew that they could violate citizens' rights with immunity for their crimes: even if the new President wanted to pursue justice for all of the violations, he or she would never be able to investigate all of the violations or
prosecute all of the violators. Sukmā also states that in a civil society that is built on “fragile inter-ethnic and inter-faith relations,” it is very difficult, if not impossible, to develop and then maintain human rights. From when the Indonesian military first invaded East Timor, there have been a multitude of human rights violations, including intimidation, rape, and arbitrary killing. In Aceh, since late 1989, at least 2,000, potentially more than 3,000, people have been executed and a thousand more tortured (Sukma 1999).

The Political Terror Scale, developed by Mark Gibney, Linda Cornett, and Reed Wood, “measures levels of political violence and terror that a country experiences in a particular year” based on data gathered from the yearly country reports produced by Amnesty International and the US State Department on the human rights practices in those countries. Indonesia has never, in the years quantified by the Political Terror Scale, dropped below a three – a three denotes that “there is extensive political imprisonment, or a recent history of such imprisonment; execution or other political murders and brutality may be common; and unlimited detention, with or without a trial, for political views is accepted.” In fact, the average score accorded Indonesia from the reports released by Amnesty International is a 3.82, and from the reports released by the US State Department, a 3.45 (Gibney, Cornett, and Wood 2010).

In Comparison With Similar Nations

David L. Cingranelli and David L. Richards constructed a data-set that contains “standards-based quantitative information on government respect for 15 internationally recognized human rights for 195 countries, annually from 1981-2009.” The Political Integrity Index is an additional index constructed from the measurements of torture, political imprisonment, disappearance, and extrajudicial killing indicators that are among the 15
aforementioned human rights. The scoring ranges from 0, which denotes that there is no governmental respect for the four rights mentioned above, to 8, that there is full governmental respect for these rights. In a comparison with some of its neighbors – Malaysia, Singapore, Thailand, Brunei, and East Timor – Indonesia clearly has a lower lever of Political Integrity than many of its neighboring nations (see Figure 1). In fact, Indonesia's average Political Integrity score, 1.97, is at least 2.4 points below Malaysia, Singapore, Thailand, Brunei, and East Timor, whose mean scores are 5.1, 6.55, 4.38, 7, and 6.13, respectively. Ultimately, this signifies that the state of human rights in Indonesia cannot be explained by economic or regional conditions because it is considerably less able to uphold human rights than many of its neighboring countries who experienced similar conditions (Cingranelli and Richards 2010).

When comparing Southeast Asian countries through their rating on the Political Terror Scale, once again Indonesia stands out amongst its peers (see Figure 2). Indonesia scored on average a 3.82 from Amnesty International and 3.45 from the US State Department. The country with the closet ratings is Thailand with a 2.88 from Amnesty International and a US State Department average rating of 2.82, both almost a full point beneath Indonesia. However, when compared to a nation that has the second highest Muslim population in the world, Pakistan, and a nation where almost 100 percent of the population is Muslim, Afghanistan, Indonesia appears standard (see Figure 3). Whether this correlation is reflective on the religious majority, the role that Islam plays in the administration of the country, or whether it is a question of cultural relativism, is beyond the scope and determination of this case study. All that can be determined is there seems to be a correspondence between the scores of these three Muslim-majority nations (Gibney, Cornett, and Wood 2010).

Both of these quantified measurements of the upholding and undermining of human
rights point to Indonesia as having a poorer human rights record and current practice than most of its Southeast Asian peers. Therefore, the explanation for the current state of human rights in Indonesia must be sought in the history and unique background and composition of Indonesia, rather than in generalizations about countries of similar location, colonization, or economic condition. Now the question becomes what is the scope of and to what magnitude have human rights been violated in Indonesia. This analysis will begin with the violations of the basic freedoms afforded human beings, moving on to women's rights, state sanctioned violence, and working conditions.

**Violations of Freedoms**

**Censorship and Freedom of Expression**

Freedom of expression continues to be suppressed in Indonesia, particularly in Papua and Maluku areas, with protestors, activists, journalists, and human rights defenders intimidated, harassed, and sometimes killed. The broadly worded laws in Indonesia limit freedom of expression and enable police and military officers to arbitrarily target individuals without credible evidence of wrongdoing (Amnesty International 2011, 170). As these laws remain on the books, Indonesians can legally be “imprisoned for ‘insulting’ the president, or expressing ‘feelings of hatred’ against the government even if such sentiments are offered as part of a peaceful exercise of political dissent” (Human Rights Watch 2007). Articles 154, 155, and 156 of Indonesia's Penal Code criminalize “public expression of feelings of hostility, hatred, or contempt toward the government” and prohibit the expression of these feelings through the public media (Penal Code of Indonesia). This very clearly indicates that there is a vast difference between Indonesia's proclaimed support of freedom of expression and the implementation of
these ideals in the administration of the nation.

Politicians and powerful businessmen are able to, under the law and constitution, file criminal complaints against journalists whose articles “they found insulting or offensive” (US Department of State 2011, 14). Additionally, Article 155 stipulates that if in the course of performing their job a citizen breaks this law within five years of a previous violation, they can be excised from their profession in addition to being prosecuted for the second offense. Simply put, this ties the hands of the free press, making it impossible for them to remain in their profession while still raising the important and controversial issues, particularly in regard to the actions of the government (Penal Code of Indonesia). Nonetheless, a vigorous, independent media continues to operate in Indonesia, publishing articles about a variety of news items, generally without restriction from the government (US Department of State 2011, 14).

Another major violation of the freedom of expression in Indonesia is the recently uncovered surveillance of peaceful activists, politicians, and clergy in Papua who were believed to be supporter of Papuan independence. The documents that were filed documenting the gathered information, the Kopassus documents, “show the deep military paranoia in Papua that conflates peaceful political expression with criminal activity,” stated Elaine Pearson, deputy Asia director at Human Rights Watch. The military claims that the documentation of human rights violations is nothing more than a front for the Papuan separatist movement, and therefore, few foreign journalists and human rights researchers are able to visit Papua independently, let alone without the military closely monitoring their activities (Human Rights Watch 2011, 321-2; 2011,). All foreigners are viewed through this lens, and being thus perceived as supporters of the independence movement, are regarded with mistrust and subjected to surveillance as well.

While there continue to exist broadly phrased laws that enable the police and military
forces to violate human rights legally, new laws have been and are being passed that violate human rights more implicitly. The 'Blasphemy Laws' are the most telling of these laws: “they impede the religious expression of minority groups...; they impose restrictions on the media; and they force individuals to engage in self-censorship to avoid persecution and extralegal pressure” (Freedom House 2010). These laws also enable members of the majority religion, Islam, to bring claims of blasphemy mainly against members of minority, but sometimes majority, religions in order to solve personal disputes. Additionally, these laws are written so broadly as to allow the censorship of outside media in order to eliminate blasphemy against the major religions. The full extent of the 'Blasphemy Laws' will be covered more fully in the “Discrimination and Freedom of Religion” section of this paper. The 'pornography law' that was recently passed also allows for the censorship of outside media because of its broad wording, causing activists and religious minorities to fear that the bill is the first step towards a strict Islamic state, and the the bill will “stif[...] religious and artistic freedom” (Vaswani 2010a). Indonesia also continues to enforce existing criminal, slander, and 'insult' laws, which criminalize deliberately “insulting a public official and intentionally publicizing statements that harm another person's reputation, often even if those statements are true” (Human Rights Watch 2011a, 322).

Compared with other countries in Southeast Asia, there was no sizable difference between the scores from Indonesia and other nations (see Figure 4). Indeed, the mean scoring appropriated to Indonesia was in the middle of the means for the six compared countries, at .655, with the highest being for East Timor at 1.25, and the lowest being Brunei at .259 (Cingranelli and Richards 2010). While Indonesia has laws that are vague with the intent to indirectly allow the violation of the rights of its citizens, there are efforts working towards repealing some of these laws. For example, the Constitutional Court ruled several provisions of the criminal code
that provided special protections to the president, vice president, and the government unconstitutional in 2010.

**Freedom of Assembly and Association**

In Indonesia, the law provides for the freedom of association, and generally doesn't require permits for social, cultural, or religious gatherings, and the government generally respects the practice of these rights. While any gathering of five or more persons “related to political, labor, or public policy requires police notification, and demonstrations require a permit,” these permits are generally granted. There are exceptions, however, to these generalizations: the Indonesia Communist Party (PKI) has been banned since 1966, and since the Bali refused to issue them a permit in 2008, the members of the Amadiyah sect have not held any national conferences (US Department of State 2011a, 18).

The most extensive violation of citizens' rights to assembly and association have been in relation to the independence movements in Papua, Aceh, and Maluku -- in 2010, at least 100 political activists were imprisoned for expressing their support for seeking independence in these areas (Amnesty International 2011, 170). In 2002 alone, 42 people were arrested in Papua for their participation in peaceful independence-supportive activities (Human Rights Watch 2007). While the law in Indonesia explicitly allows for the public display of symbols of Papuan identity, such as flags and songs, the raising of the Morning Star flag is seen as a symbol of sovereignty, and was therefore banned as a treasonous act by government regulation 77/2007 (Human Rights Watch 2007; 2010). At times, activists are not arrested while participating in demonstrations or attempted flag raisings, but are arrested merely for attending peaceful meetings to talk about self-determination.
When compared with other Southeast Asian nations, Indonesia is once again found in the center of the spectrum, with a mean score of .586 on a scale from zero to two in regards to the level of freedom of association and freedom of assembly afforded to citizens in that nation (see Figure 5). Thailand had the highest average score, 1.345, and Brunei the lowest, 0. The average score of Indonesia is indicative of a poor level of freedom of association and assembly because it is closer to zero, denoting a complete lack of these rights, than it is to a two, which denotes full right of assembly and association to most citizens. When comparing the number of political prisoners, however, Indonesia is further from the average level found in Southeast Asia (see Figure 6). Indonesia has the lowest average score, .379, on a scale from zero to two, and is the only one, of the nations compared, to have never reached a scoring of 2, which denotes that there are few to no political prisoners in that nation. While Indonesia's scoring does not differ greatly from the scoring of Malaysia, whose average is .517, it is the fact that Indonesia has consistently had political prisoners that sets it apart from its peers (Cingranelli and Richards 2010).

**Discrimination and Freedom of Religion**

With the establishment of Indonesia as a secular state, the question of if and to what extent Islam should play in the administration of the country became a major controversy within the state, and it continues to be debated to this day. The 1965 Blasphemy Law identifies six state recognized religions, and requires that Indonesians identify as members of one of the six faiths – Islam, Protestantism, Roman Catholicism, Hinduism, Buddhism, and Confucianism – and atheism is not accepted as an alternative or exemption. Consequently, the rights of atheists and unrecognized religious minorities are restricted; even members of the six recognized religions are subject to criminal penalties if their beliefs “diverge from the officially sanctioned versions
of their faiths,” justified by claims that it protects public order (Freedom House 2010; Human Rights Watch 2011, 325). While unrecognized religious groups have the right to “establish a place of worship, obtain identity cards, and register marriages and births,” it is often difficult to do so due to administrative blockades that have been put in place (US Department of State 2011b).

The most explicit illustrations of the repression of religious minorities within the Indonesian system is the plight of the Amadiyah sect, which has experienced wide-spread discrimination and violence because of their beliefs. In West Java, Amadiyah “are not allowed to promote any of their activities, or convert anyone to their faith,” and are being encouraged by the government to re-integrate themselves into mainstream Islam. This discrimination is based on the difference that they believe their founder was a loyal disciple who was chosen to continue the teaching of Islam that came through Muhammad, not differing too much from their Sunni neighbors. However, hardline Islamic groups insist that the sect violates the basic tenants of Islam and is therefore a violation of Indonesia’s rules against blasphemy. These hardline groups want the sect banned, and have begun to attack Amadiyah houses and mosques, vowing to escalate their violence if they do not get their way (McGeown 2011a, 2011b).

The central government has not been performing its duty to review and address controversial legislation and decrees that violate freedom of religion, which, as some critics claim, are used to justify violence (Parlina 2011; US Department of State 2011a). In fact, quite the opposite took place in August 2011, when the Minister of Religious Affairs, Suryadharma Ali, called for the sect to be disbanded (Amnesty International 2011, 171; McGeown 2011a). Indonesia, along with all of the compared Southeast Asian nations, had a very low scoring of religious freedom, demonstrating the consistently high level of religious restriction in the region.
(see Figure 7) (Cingranelli and Richards 2010).

**Women's Rights**

The most striking violations relating to women are regarding to reproductive and sexual rights. Laws continue to state that women's role politically and economically must not conflict with their role in “improving family welfare and educating the younger generation” (US Department of State 2011, 28). Clearly, Indonesian legislation supports gender stereotyped roles, particularly regarding marriage and childbearing. Marriage is emphasized so extensively culturally, that girls under the age of 16 (the legal age for marriage in Indonesia) are bearing children shortly after they are married, even if they are only 13, because it is expected socially (Amnesty International 2010, 15). Whether this is culturally relative or a human rights violation is largely dependent on the individual conditions of each case.

The Population and Family Law (No. 52/2009) and the Health Law (No. 39/2009) state that access to sexual and reproductive health services may only be granted to legally married couples (Amnesty International 2010, 23). Consequently, many unmarried women and girls are denied these health services, as well as access to contraceptives, abortions, and family planning information. Even legally married women, however, continue to face limitations on the health services that they can access. For example both law and practice require that women first have their husband’s permission before attempting to obtain certain types of contraceptives from government-run health facilities. As well, abortions are only legal if the pregnancy poses a serious health risk to the mother or fetus or if the pregnancy is the result of a rape; beyond this, the abortion can only be performed within the first six weeks of the pregnancy, and only if she is married and has her husband’s consent (Amnesty International 2010, 33-5). Essentially, it is the
sole decision of the husband if, when, and how many children a woman bears.

Maternal mortality in Indonesia continues to be one of the highest in East Asia, with an estimated 228 maternal deaths per 100,000 live births — for comparison, the average maternal mortality ratio is 9 per 100,000 in developed nations (Amnesty International 2011, 170; WHO, UNICEF, UNFPA, and The World Bank 2007, 16). A fair proportion of these deaths come from highly restricted access to abortions, which resulted in women and girls seeking out abortions, often in unsafe conditions. Referring back to the above mentioned conditions for obtaining a legal abortion, the six week time frame is often the most cumbersome, because, in many cases, a woman may not even know she’s pregnant until after the time frame has elapsed.

Female genital mutilation is still prevalent in Indonesia, and there are no laws that specifically ban its practice. While 28% of female genital mutilations performed are symbolic only, where there is no incision or excision, 49% involve incision and 22% involve excision (Amnesty International 2010, 18). This practice is continued as an aspect of social tradition, but due to international initiatives against its practice, many health practitioners are encouraging mothers to abandon the practice or are refusing to perform the ceremony.

The Military and Government

Excessive Use of Force and Torture

While the Criminal Code of Indonesia states that every person has the right to be free from torturous, inhuman, and degrading treatment, and criminalizes maltreatment and the use of coercion during interrogation, there are no provisions explicitly forbidding torture. As well, though Indonesia ratified the United Nations Convention Against Torture No.5/1998, Indonesia has yet to incorporate the provisions articulated by the Convention into the Penal Code (US
Department of State 2011, 4, KontraS, 5). The existing laws are very narrow, excluding instances where torture could be used as a means of punishment or discrimination as well as the possibility of torture taking place during subsequent detention (Amnesty International 2008, 8). Amnesty International has received numerous reports over the past few years of security forces and police using torture against suspects and detainees during arrest, interrogation, and incarceration, particularly suspects from poor and marginalized communities and those suspected to be independence supporters in Papua and Maluku provinces (Amnesty International 2011, 170; 2008, 8).

According to a survey performed by an Indonesian NGO, 81% of the prisoners arrested between January 2003 and April 2005 in Salemba Detention Center had been tortured – of those, 64% were tortured during interrogation, 43% during arrest, and 25% during detention (Amnesty International 2008, 20). Mr. Hartoyo was tortured by the police in January 2007, and because of their experiences, he and many like him no longer trust police officers and have a growing disdain for the court system and government because of its inability to bring recompense or justice for the torture they were subjected to (Hartoyo 2009).

Though much of Indonesian torture takes place within the confines of police stations and prisons, excessive use of force and torture are far from unheard of outside. In numerous instances, the police used excessive force during arrests and to quell demonstrations, which sometimes led to deaths; for example, there are concerns that the police's counter-terrorism operations that led to the deaths of 24 suspects failed to meet national and international standards on acceptable uses of force (Amnesty International 2011, 170). Torture within Indonesia is by far the worst among Southeast Asian countries; with a score of 0 denoting extensive use of torture within a country, and a 2 signifying that no torture was practiced within the nation, Indonesia's
average score from 1981 to 2009 was .241, with the closest average from the region in Thailand, with an average of .897 (Cingranelli and Richards 2010). This scoring clearly shows that torture is widely employed in Indonesia, as does the fact that Indonesia is the only of the compared nations to have never achieved a scoring of two – in fact, Indonesia has consistently received a score of 0 for 20 years, from 1990-2009 (see Figure 8).

One of the most publicized cases of torture and excessive use of force was spurred by the posting of a video recorded on a cell phone in Papua that showed men dressed in what appear to be military uniforms kicking, torturing, and questioning several indigenous men – one of the men demanded, "Where did you put the weapons? Show us where the weapons are!" (Sidner 2010). In 2010, Indonesia admitted that the men seen torturing the indigenous Papuan villagers were members of the military – the Minister for Security claimed that, while the actions of the men were unprofessional and excessive, they had reason to believe the Pauans had links to separatist and rebel groups. He further tried to justify the men’s actions by claiming that they had found weapons on the men; however, human rights groups have evidence that the tortured Pauans were farmers with no ties to the separatist movements in Papua (Vaswani 2010a). The Indonesian government assured human rights organizations and an infuriated global community that the men would be punished for their actions, yet few perpetrators have faced justice (Human Rights Watch 2011a, 322; Sidner 2010; Vaswani 2010a). This, in addition to the fact that the Indonesian government has consistently rejected allegations of government sponsored human rights abuses in Papua and other locations, brings to light the growing corruption within the government and the consistent granting of impunity to human rights violators.

Impunity and Corruption
Impunity for past gross human rights violation in Aceh, Papua, Timor Leste and elsewhere continues; additionally, Indonesia still does not credibly investigate human rights violations committed by members of the security forces (Amnesty International 2011, 171; Human Rights Watch 2011a, 322). Indeed, despite new allegations of security force involvement in torture, “the military consistently shields its officers from investigations and the government makes little effort to hold them accountable” (Human Rights Watch 2011a, 321). After Mr. Hartoyo reported his torture to the police in March 2007, the proceedings were held off until October 2008, and even then there was only one proceeding, that he likened to “a mock court” (Hartoyo 2009). The National Police Chief, General Bambang Hendarso Danuri, said that fines had been imposed on 3,416 officers who had been involved in various violations and crimes during 2009 (The Jakarta Post, 2011). And yet, of the 18 members of Kopassus, the Indonesia’s elite special forces, convicted of human rights abuses, at least 11 continue to serve in the military (Human Rights Watch 2011a, 322). In July 2010, the US government lifted its ban on military assistance to Kopassus, stirring international resistance due to belief that the lift was premature, due to persistent concerns about the human rights record of the organization (Human Rights Watch 2011a, 321).

The court systems within Indonesia are highly corrupt – bribes and extortion are widely used to influence prosecution, conviction, and sentencing in both civil and criminal cases (US Department of State 2011a, 24). After a brutal mob attack by Islamic hardliners against members of the Amadiyah religious sect, the court sentenced an Amadiyah man, Deden Sudjana, to six months in prison, a heavier term than many of the attackers received; he was sentenced because he defended himself and did not follow the police’s orders to leave the scene. In fact, the footage filmed during the attack “shows crowds of hardliners beating a small group of Amadis as police
“watch” (BBC, 2011). Clearly, not only are the court systems biased in their sentencing, but the security forces themselves are failing to meet their duty to protect all citizens of Indonesia.

**Working Conditions**

**Factories**

Many of the human rights violations seen in the working conditions in factories are directly related to the increased use of contracting, subcontracting, and employment through private agencies. Researchers found that workers who were employed in factories through private agencies were denied multiple entitlements and benefits, including “pay when taking annual leave, separation payments at the end of the employment period, written contracts, and sick pay” (International Textile, Garment, and Leather Workers’ Federation 2011, 2). The use of contractors and subcontractors has led to extremely exploitative working conditions because it removes responsibility for the conditions and practices in the factory from almost all parties involved (Connor 2002, 31). Supervisors can place blame on those who trained them, factory owners and in-country government can blame the parent organization, and the parent organization can blame the pre-existing licenses, stating that there is little they can do to stop violations (Frith 2006; Shayon 2011; Wright 2011).

While trade unions represent workers in most of the factories in Indonesia, all of the factories surveyed had taken measures to interfere with the unions' actions, including restricting the time they had to resolve disputes, limiting times for union meetings, preventing recruitment, and in some cases flat-out refusal to interact with union representatives (ITGLWF 2011, 8). Workers in a factory producing Converse sneakers report that supervisors slap them and throw shoes at them when they make mistakes, as well as calling them “dogs,” “monkeys,” or “pigs,”
which are highly insulting to Muslims (Wright 2011). Nike's own inquiries into the working conditions in its factories found that nearly two-thirds of the 168 world-wide factories producing Converse products do not meet their own standards for contract manufacturers (Shayon 2011). Since its last run-in with public criticism over human rights abuses in its factories ten years ago in regards to child labor and foreign sweatshops, many factories continue to punish workers severely for mistakes and failure to meet production targets, but some abuses have been resolved. Jim Keady, executive director of the non-profit Team Sweat, has been tracking human rights abuses in Nike factories in Indonesia since 2000, and states that the rapidity that labor disputes are settled today illustrates how far things have come in managerial and worker relations (Brettman 2011).

Indonesia Labor Legislation No 13/2003 states that 40-hour work seek is to be standard, ad that overtime cannot exceed 14 hours a week or three hours a day. However, researchers have found that excessive overtime is the norm, with workers performing on average 10-40 hours of overtime a week (Connor 2002, 19; ITGLWF 2011, 9). Due to falling demand, however, there has been a decline in the amount of overtime available; while this may appear to be an improvement, in reality the wages are so low that in many cases workers are desperate to work as many overtime hours as possible. The base wage for the 10,000 mostly female workers at the Taiwanese-operated Pou Chen factory outside of Jakarta is around 50 cents an hour, a sum that barely covers food and bunkhouse-type lodging (Wright 2011). Factory workers frequently emphasized how dependent they were on the income they received from working overtime hours, pointing out that the base wage does not even cover food and housing. While the wages at many of the factories are above the government-set minimum wage, they fall below the estimated minimum cost of living for a single man living in that region. Consequently, families
are at an even greater disadvantage, and parents are often forced to live apart from their children, unable to see them for up to months at a time (Connor 2002, 20-2).

Throughout Southeast Asia, worker’s rights are extremely low. In a measurement of worker’s rights – taking into account freedom of association, right to unionize, prohibition of forced labor, minimum work age, and acceptable minimum wages, hours, and safety – Indonesia, Malaysia, Singapore, Thailand, Brunei, and East Timor all scored on average below a one, denoting their rights were somewhat to severely restricted (Cingranelli and Richards 2010).

**Domestic Workers**

Domestic workers in Indonesia, the vast majority of whom are women are girls, are consistently denied the full range of rights granted all other workers by the Act Concerning Manpower, Law 13/2003 (Amnesty International 2011, 171). Under this labor law, domestic workers are not provided with “a minimum wage, health insurance, freedom of association, an eight-hour work day, a weekly day of rest, vacation time, or safe work conditions” (US Department of State 2011a, 29-30). Employers are only obligated to provide their employees with protection for their welfare, safety, and physical and mental health; lacking specific statements of rights and benchmarks for maintaining these rights, the ambiguous writing leaves a multitude of loopholes for variable interpretations. There are an estimated 2.6 million domestic workers in Indonesia, and approximately 1.3 million are under the age of 18 – these workers are not allowed to study, are paid poor wages, and are often unaware of their rights, and are therefore at risk for abusive treatment and discriminatory behavior (Amnesty International, 171; US Department of State 2011a, 42).

Isolation from their family, friends, and communities makes domestic workers
particularly vulnerable – they live in constant fear of losing their job if they speak out, and therefore rarely face that risk. This fear coupled with the government's persisting inability to protect domestic workers' rights and to prevent, investigate, and punish abuses leaves much of the human rights violations against these workers unexposed (Amnesty International 2007, 7-8). Often, the difference in status between employers and domestic workers and the impression that immunity give rise to a multitude of abuses, physical, psychological, and sexual.

In few cases are written contracts used – the majority of arrangements are done through oral agreements, which are often not honored, particularly in regard to the salary that was agreed upon. Domestic workers are largely subjected to massive underpayment, receiving around the equivalent of $16-32 per month, while the minimum wage set in many provinces is between $74-80. Beyond incredibly low payment, workers are often forced to perform laborious and extensive hours of labor, working on average 14-16 hours a week, but in some cases up to 22 hours a day, seven days a week. (Amnesty International 2007, 23-4; Human Rights Watch 2009, 3).

In Indonesia, it is not uncommon for girls to begin working as domestics as young as 11-13 years of age, performing tasks such as cooking, cleaning, laundry, child care, and sometimes working at their employers' businesses (Human Rights Watch 2009, 2). These young children are subjected to a multitude of abuses from physical, sexual, and psychological violence, to child trafficking and forced labor (Amnesty International 2007, 29). Often these children are forced to work from early morning to late night, provided no opportunity to attend school, and often receive little to no payment for the work that they perform.

Conclusion

The dark history of extra-judicial killings and disappearances of political or human rights
activists seems so distant in democratic Indonesia, a decade after the collapse of Soeharto's authoritarianism. That, however, is no indication that human rights are no longer being violated within the nations borders. Extensive human rights violations continue to take place in the Indonesian province of Papua, where the prolonged efforts to quell the separatist/independence movement have resulted in torture, impunity for members of security forces, arrests of political leaders, and restrictions on journalists' access to the region. Religious freedom has developed into a more serious problem due to the continued enactment of the Blasphemy Law, resulting in mob violence against members of religious sects such as the Amadiyah, ambiguities allowing for greater censorship, and a limit on the freedom of expression of criticisms of the government and powerful figures in the country.

Ultimately, the state of human rights in Indonesia remains in deep need of repair, but such reconstructions are not out of the realm of possibility. In the cases of many of the violations, the laws are already in place to prevent their occurrence – with a greater enforcement of these laws, human rights within the nation could be greatly improved. Other laws need to be decommissioned or amended, however, which will require a far more intensive reformation of some of the penal and legal codes. There remains hope for the future of human rights in Indonesia, and a return to its status as having the highest level of human rights in Southeast Asia.
Political Terror in Majority Muslim States

1976-2009

Figure 3

Freedom of Speech in Southeast Asian Countries

1981-2009

Figure 4
Torture in Southeast Asian Countries

1981-2009

Figure 7
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