

Human rights in Indonesia

The human rights situation in Indonesia has improved considerably thanks to the country's successful democratic transition, but there are still many concerns – for example, violence against religious minorities and repression of Papuan separatism. President Jokowi has pledged to resolve historical human rights abuses, but has made little progress since his election in 2014.

Human rights framework

Ratification of international instruments

Indonesia is party to [ten](#) of the UN's 18 human rights instruments (mostly ratified over the past ten years), making it the fourth-best performing south-east Asian country in this respect.

Domestic human rights guarantees and institutions

The [1945 constitution](#) guarantees numerous human rights, but at the same time qualifies them by allowing restrictions in the name of 'morality, religious values, security and public order'.

The [National Human Rights Commission](#) is Indonesia's official human rights institution. There is also a [National Commission on Violence against Women](#). Both institutions are independent of the government and regularly criticise its policies and actions.

Political context

Human rights abuses were rife under former dictator [General Suharto](#), whose 31-year rule began with the [1965 massacre](#) of half a million alleged Communists. Since Suharto's downfall in 1998, the situation has improved. However, problems remain: for example, the military, heavily implicated in the 1965 massacre, is accused of continuing occasional abuses, many of them in the restive provinces of Papua and West Papua.

Elected in July 2014, President Joko Widodo (popularly known as Jokowi) [promised](#) to work on resolving historic human rights abuses. However, a proposed [reconciliation commission](#) has yet to be established, and local officials have [cancelled](#) some events aimed at commemorating the 1965 massacre. It is at least positive that a [symposium](#) on the subject was eventually held in April 2016, but it seems that, 50 years after the killings, there is no question of an official apology, still less of perpetrators being held to account.

Efforts by Jokowi and his predecessors to hold the military to account for past and present human rights abuses are hampered by its enduring political influence. Three of the ten parliamentary parties are led by former officers, and like his predecessors Jokowi relies on the support of former generals such as Ryamizard Ryacudu. Currently serving as defence minister, Ryacudu argues that the massacred communists ['deserved to die'](#). The second of Jokowi's three ministers with a military background is [Wiranto](#), charged by the UN with the deaths of over 1 000 East Timorese during the country's 1999 vote to secede from Indonesia.

Human rights in practice

Dignity and right to life

After a four-year interruption, Indonesia resumed capital punishment in 2013, and the number of executions is [on the rise](#) (14 in 2015, and four more in 2016, all for drug trafficking).

Soldiers committing extrajudicial killings are tried by military tribunals and usually receive only light sentences. For example, in 2003 Brigadier-General [Hartomo](#) received just three and a half years for his part in the murder of a Papuan activist; as early as 2005, he resumed his military career and in 2015 was promoted to head of the Magelang Military Academy. In 2014, police and soldiers [shot dead](#) five civilians and injured many others, again in Papua; none of them has yet been brought to justice.



Torture is sometimes used to [extract confessions](#) in criminal investigations; a [report](#) by KontraS NGO alleges that there were 274 victims of torture in the 12 months ending in May 2015, 16 of whom died.

Aceh is the only Indonesian province to apply [Sharia law](#). In 2015, at least [108 people](#) were publicly caned for offences such as adultery and gay sex (up to 100 strokes), gambling and drinking alcohol.

Freedom and citizens' rights

Since 1998, Indonesia has become a [multi-party democracy](#), with a relatively [free press](#) (notwithstanding some restrictions on reporting of sensitive issues such as Papuan separatism) and a flourishing civil society. The 2013 [law on social organisations](#) required official registration of NGOs, banned promotion of atheism and communism, and made it difficult for foreigners to set up NGOs in the country; however, some of its more restrictive provisions were [overturned](#) by the Constitutional Court in December 2014.

Repression of separatism, which is criminalised by [Indonesian law](#), continues. At present, 38 Papuan [separatists](#) are serving sentences of up to 17 years, many of them for taking part in peaceful protests or displaying banned separatist symbols. President Jokowi has called for a [softer approach](#), but in this as in other areas his track record is mixed: in May 2015 he [lifted a ban](#) on foreign journalists visiting Papua, but in practice many are [still restricted](#) from travelling there; one year after he ordered the [release](#) of five Papuan political prisoners, security forces arrested nearly 2 000 for participating in [separatist rallies](#).

[Religious freedom](#) is another area of concern. Six religions (Islam, Hinduism, Buddhism, Catholicism, Protestantism and Confucianism) are officially recognised, and for the most part co-exist peacefully. However, practitioners of other faiths and atheists are barred from working in the civil service, and minorities such as Shia or Ahmadi Muslims are occasional targets of [mob violence](#), which authorities are accused of doing little to prevent. In 2015, 30 [churches](#) were burned down by mobs, demolished or closed down by officials over alleged building permit irregularities. [Blasphemy laws](#) impose sentences of up to five years for offences such as disseminating heretical teachings or proselytising for non-official religions; in July 2015, six members of the [Gafatar sect](#) were imprisoned under these laws. Worrying though such incidents are, they are very small in number for a country with a population of nearly 250 million.

Equality

Over 300 national and regional laws discriminate against women. For example, women face more [restrictions](#) than men on inheriting property from their spouses or remarrying after divorce. Female recruits to the police or military must undergo a humiliating [virginity test](#) and in Aceh [unaccompanied women](#) may not be served in restaurants and other public places after 11 pm

Jokowi's government includes a record [eight women](#) out of 34 ministers. Since 2008, at least 30 % of the [candidates](#) fielded by political parties in national elections must be women. However, the number of female parliamentarians remains stubbornly low (since 2014, just 17 % of the lower chamber), and women are even more under-represented at subnational level, making up just 7 % of [mayors and regents](#) (heads of district).

Female genital mutilation (FGM) is still performed on one in every two [Indonesian girls](#), and is even offered by many clinics as part of their childbirth package. Admittedly, FGM in Indonesia is less invasive than in some African countries, and usually involves just scraping or piercing without removing tissue.

According to one international [survey](#), Indonesia is one of the most hostile countries in the world to LGBTI persons, with 93 % opposed to social acceptance of homosexuality. Presidential spokesman Johan Budi's [comment](#) that there was no place for gay rights in the country can only exacerbate such attitudes. For the time being, gay sex is only criminalised in a few parts of the country (Aceh in particular), but religious conservatives are [urging](#) the Constitutional Court to remove the obstacles to a national ban.

The EU and human rights in Indonesia: in force since May 2014, the EU's [partnership and cooperation agreement](#) (PCA) with Indonesia establishes cooperation on human rights, including EU support for Indonesian human rights institutions, and assistance with implementation of international conventions. The two sides have also held annual meetings to discuss human rights since 2011. The most recent of these [meetings](#), in June 2016, discussed corporate social responsibility and Indonesia's use of the death penalty to deter drug trafficking. In 2015, the EU co-financed 13 Indonesian [human rights projects](#) and its Jakarta delegation ran social media campaigns to raise awareness of torture and oppose capital punishment.

European Parliament resolutions [on the PCA](#) (February 2014) and [attacks on minorities](#) (July 2011) praise Indonesia's democratic transformation but express concern about violence against religious minorities, call for investigation of abuses committed by the security forces, and urge abolition of the death penalty.