

Indonesia - Human Rights Scorecard¹

Indonesia is the world's third most populous democracy, the largest archipelagic country and the world's largest Muslim-majority nation.²

Official language: Bahasa Indonesia

Ethnic groups : Javanese 40,1%; Sundanese 15,5%; Malay 3,7%; Batak 3,6%; Madurese 3%; Betawi 2,9%; Minangkabau 2,7%; Buginese 2,7%; Bantenese 2%; Banjarese 1,7%; Balinese 1,7%; Acehese 1,4%; Davak 1,4%; Sasak 1,3%; Chinese 1,2%; other 15%.

Government: Republic

- President and head of government: Joko Widodo
- Vice-President: Jusuf Kalla

Death penalty: Retentionist

Population: 255.4 million

Life expectancy: 72.4 years

Under-5 mortality: 24.3 per 1000

Adult literacy: 93.9 percent



Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Partially respected³

There were reports of security forces involved in arbitrary or unlawful killings: the police and military are said to frequently use excessive force resulting in death during arrests or detentions. Lack of transparency in police investigations makes it difficult to assess the severity of the problem.

Freedom from disappearance



Partially respected⁴

There have been reports of abductions by security forces for several years, with little accountability by security forces. NGOs and human rights groups denounce the fact that little is done to investigate the cases and to prosecute those responsible for such abductions.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Largely disrespected⁵

Although the constitution prohibits torture, the law does not specifically criminalize it, and there are reports that torture is frequently used by security forces.⁶ Despite recent government efforts to curb the practice, torture is still not uncommon, especially among police.

Freedom from arbitrary arrest or detention



Partially respected⁷

There were reports of arbitrary arrest by the police, especially in Papua where security forces routinely arrest and detain peaceful protesters. Antiterrorism laws allow the authorities to detain for up to 4 months anyone suspected of committing or planning an act of terrorism.

Freedom from denial of fair public trial



Partially respected⁸

The law provides for an independent judiciary, but corruption remains a significant problem even though judges' salaries were increased by 300 percent in 2013. Local authorities do not always enforce court orders, and the law is not always uniformly followed by local jurisdictions.

Freedom from arbitrary interference with privacy, family, home or correspondence



Partially respected⁹

Security forces are required to have judicial warrants for searches except in certain cases, and generally respect these requirements. There were reports of land rights violations and expropriations without due process, especially in areas sought after by logging and mining companies¹⁰.

Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)¹¹



Score: 40,75 Rank: 138 / 180 – Highly controlled, limited or intimidated¹²

The authorities respond harshly to any criticism of the government and the security forces. In addition, peaceful protesters advocating for separatist claims are often arrested and prosecuted on charges of treason. The press faces legal restrictions and sometimes intimidation.¹³

Freedom from academic censorship



Respected¹⁴

The government generally respects academic freedom.

Freedom of peaceful assembly and association



Partially respected¹⁵

Freedom of peaceful assembly is generally upheld; however this right is restricted in conflict areas, especially in provinces with pro-independence groups. A new law on mass organizations restricts the type of activities associations can undertake and increases governmental control.

Freedom of religion



Largely disrespected¹⁶

Although the law guarantees freedom of religion, there are numerous reports of discrimination, harassment, intimidation and attacks against religious minorities, especially from Sunni Muslim extremist groups¹⁷. This toxic environment is fuelled by the national ideology of Pancasila (e.g. philosophical foundation of the Indonesian State) which endorses monotheism which conflicts with other religious beliefs¹⁸.

Protection of refugees and stateless persons



Largely disrespected¹⁹

Indonesia is not a party to the Refugee Convention and the law does not provide a refugee status determination system. Indonesia remains a transit point for refugees fleeing to Australia, but the refugees' basic rights are often not well protected²⁰.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)²¹



4 / 7 – Partly free²²

Indonesian civil liberties' rating got worse recently because of new laws restricting the activities of mass organizations. Such organizations are now subject to increased governmental control and requirements forcing them to profess support the national monotheistic (Pancasila) ideology.

Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

Overall protection of political rights (*FreedomHouse Political Rights Index*)²³



2 / 7 – Free²⁴

Indonesian citizens have the ability to change their government and representatives through fair and free elections based on universal suffrage. There were no reports of violence surrounding the recent presidential and legislative elections.

Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²⁵



Score: 34%, Rank: 107 / 175 – Highly corrupt²⁶

The law criminalizes official corruption and the government has made many recent efforts to implement the law and to prosecute perpetrators. However corruption, especially bribery, continues to be a widespread problem.²⁷

Section 5: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Partially respected²⁸

Human rights organizations generally operate without interference from the government. However, there have been reports of harassment and intimidation of human rights and anticorruption activists by government officials in Papua.

Section 6: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Rights of women (*World Economic Forum Gender Gap Index*)²⁹



Score: 66.1%, Rank: 95 / 142 – Very unequal rights³⁰

Human Rights Watch reports a total of 279 discriminatory local regulations targeting women and girls. Domestic violence and rape remain significant issues, even though they are criminalized by the law. Female police applicants are required to take an intrusive virginity test³¹.

Rights of Children (*KidsRights Index Overall Score*)³²



Score: 59.1%, Rank: 108 / 165 – Somewhat protected³³

Although the law provides for free education with 9 years of elementary and secondary school, the government does not universally enforce these requirements. Child labour and sexual abuse remain significant problems: government efforts in these areas have not been effective³⁴.

Rights of persons with disabilities



Largely disrespected³⁵

Although the law prohibits discrimination against persons with mental and physical disabilities and the government has been making effort towards the protection of their rights (e.g. enabling them to vote, improving health care), many Indonesians with mental disabilities still live their lives confined in inhumane conditions³⁶.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Partially respected³⁷

Many indigenous communities, especially from Papua, still suffer from discrimination and have their traditional land rights violated by logging and mining companies.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Partially respected^{38 39}

Same-sex relations are criminalized in two provinces. The national penal code does not prohibit same-sex relations, but the pornography law bans the production of media depicting such activity and qualifies it as deviant. Moreover, the antidiscrimination law does not protect LGBT persons⁴⁰.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Partially respected⁴¹

The law provides for the rights of workers to conduct legal strikes, join unions and bargain collectively, but nevertheless with important restrictions on public sector employees. There is opposition, however, to a law allowing government authorities to dissolve an union in specific conditions.

Freedom from forced or compulsory labour



Partially respected⁴²

Although the law prohibits forced or compulsory labour, there are still reports of such situations, especially for domestic workers, and for workers in the mining, fishing and agricultural sectors.

Freedom from forced labour for children, and a minimum age of employment



Partially respected⁴³

Although the law prohibits all forms of child labour under the age of 12 and defines regulations for child labour between the ages of 12 to 17, the government does not effectively implement laws protecting children from exploitative working conditions.

Right to acceptable conditions of work



Partially respected⁴⁴

There is no national minimum wage and employers in specific sectors such as the garment industry are exempted from minimum wage requirements. While the government set a standard 40-hour workweek with health and safety standards, it does not enforce its laws effectively.

Right to employment



6% - Reasonable unemployment⁴⁵

The unemployment rate in Indonesia has decreased during the past 10 years and is expected to remain stable for the coming years.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Death sentences and executions in 2013." Amnesty International. March 24, 2014. Accessed October 15, 2015.

³ <https://www.amnesty.org/en/documents/act50/001/2014/en/>.

⁴ "Indonesia 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed October 28, 2015.

<http://www.state.gov/documents/organization/236654.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

⁵ Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

⁶ "Amnesty International report 2014/15 – Indonesia", Amnesty International, January 1 2014. Accessed October 28, 2015.

<https://www.amnesty.org/en/countries/asia-and-the-pacific/indonesia/report-indonesia/>

⁷ Ibid. Amnesty International.

⁸ "Indonesia 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed October 28, 2015.

<http://www.state.gov/documents/organization/236654.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

⁹ Ibid. U.S Department of State.

¹⁰ Ibid. U.S Department of State.

¹¹ "Human Rights Watch-World Report 2015-Indonesia". January 1, 2015. Accessed October 28, 2015. <https://www.hrw.org/world-report/2015/country-chapters/indonesia>

¹² The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work

done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (25 countries), Largely free, diverse and independent; 15 – 24.99 (29 countries), Mostly free, diverse and independent; 25 – 29.99 (32 countries), Partially free, diverse and independent; 30 – 39.99 (49 countries), Partially controlled, limited or intimidated; 40 & higher (42 countries), Highly controlled, limited or intimidated.

¹² "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2015. Accessed October 28, 2015. <http://index.rsf.org/#/>

¹³ "Human Rights Watch-World Report 2015-Indonesia". January 1, 2015. Accessed October 28, 2015. <https://www.hrw.org/world-report/2015/country-chapters/indonesia>

¹⁴ "Freedom in the world-2015-Indonesia". Freedom House. January 1,2015. Accessed October 28, 2015. <https://freedomhouse.org/report/freedom-world/2014/indonesia>

¹⁵ Ibid. Freedom House.

¹⁶ "Indonesia 2014 International Religious Freedom Report". US Department of State. January 1,2015. Accessed October 28, 2015. <http://www.state.gov/documents/organization/238510.pdf>

¹⁷ "Amnesty International report 2014/15 – Indonesia", Amnesty International, January 1 2014. Accessed October 28, 2015. <https://www.amnesty.org/en/countries/asia-and-the-pacific/indonesia/report-indonesia/>

¹⁸ "Freedom in the world-2015-Indonesia". Freedom House. January 1,2015. Accessed October 28, 2015. <https://freedomhouse.org/report/freedom-world/2014/indonesia>

¹⁹ "Human Rights Watch-World Report 2015-Indonesia". January 1, 2015. Accessed October 28, 2015. <https://www.hrw.org/world-report/2015/country-chapters/indonesia>

²⁰ "Indonesia 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed October 28, 2015.

<http://www.state.gov/documents/organization/236654.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

²¹ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed October 28, 2015 <https://freedomhouse.org/report/freedom-world-2015/methodology>.

²² "Freedom in the world-2015-Indonesia". Freedom House. January 1,2015. Accessed October 28, 2015. <https://freedomhouse.org/report/freedom-world/2014/indonesia>

²³ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed October 26, 2015 <https://freedomhouse.org/report/freedom-world-2015/methodology>.

²⁴ "Freedom in the world-2015-Indonesia". Freedom House. January 1,2015. Accessed October 28, 2015. <https://freedomhouse.org/report/freedom-world/2014/indonesia>

²⁵ Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt.

²⁶ "Indonesia" Corruption by Country. January 1, 2015. Accessed October 28, 2015. http://www.transparency.org/country#IDN_DataResearch

²⁷ "Indonesia 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed October 28, 2015.

<http://www.state.gov/documents/organization/236654.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

²⁸ Ibid. U.S Department of State.

²⁹ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

³⁰ "Indonesia" World Economic Forum. January 1, 2014. Accessed October 28, 2015. http://www3.weforum.org/docs/WEF_GenderGap_Report_2013.pdf

³¹ "Human Rights Watch-World Report 2015-Indonesia". January 1, 2015. Accessed October 28, 2015. <https://www.hrw.org/world-report/2015/country-chapters/indonesia>

³² This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable.

³³ "The KidsRights Index: Overall Score." The KidsRights Index. January 1, 2014. Accessed October 28, 2015.

<http://www.kidsrightsindex.org/Portals/5/Users/034/34/34/The%20KidsRights%20Index%20-%20Total%20view%20-%20may%202015.pdf>.

³⁴ "Indonesia 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed October 28, 2015.

<http://www.state.gov/documents/organization/236654.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

³⁵ Ibid. U.S Department of State.

³⁶ "Human Rights Watch-World Report 2015-Indonesia". January 1, 2015. Accessed October 28, 2015. <https://www.hrw.org/world-report/2015/country-chapters/indonesia>

³⁷ "Indonesia 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed October 28, 2015.

<http://www.state.gov/documents/organization/236654.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

³⁸ "State homophobia" International Lesbian Gay and Intersex Association. January 1, 2015. Accessed October 26, 2015.

http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2015.pdf. See also Ibid. U.S Department of State.

³⁹ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

⁴⁰ "Indonesia 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed October 28, 2015.

<http://www.state.gov/documents/organization/236654.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

⁴¹ Ibid. U.S Department of State.

⁴² Ibid. U.S Department of State.

⁴³ Ibid. U.S Department of State.

⁴⁴ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at

http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

⁴⁵ "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed October 28, 2015. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm.