

Introduction

1. CSW (Christian Solidarity Worldwide) is a human rights organisation specialising in the right to freedom of religion or belief (FoRB) for all through research and advocacy.
2. This submission seeks to draw attention to concerns regarding the right to FoRB in Indonesia ahead of the state's fourth Universal Periodic Review (UPR). It will consider Indonesia's current commitments and legal framework relating to FoRB and the situation for religious minorities in the country.

Universal Periodic Review commitments to freedom of religion or belief

3. During the third Universal Periodic Review (UPR) cycle in 2017, Indonesia accepted 167 recommendations out of 225; of these, a number of recommendations were accepted at the point the UPR report was adopted, while others were given further examination before a conclusion was reached. According to Indonesia, recommendations that required further examination were reviewed in consultation with a multi-stakeholder, inter-ministerial and agency meetings, including with members of civil society, and the UPR report was disseminated to 'raise public awareness of the UPR dialogue process'. Consultations that include the participation of genuine independent civil society representatives, including those from minority backgrounds, are of critical importance in the UPR process.
4. Indonesia accepted five recommendations directly related to FoRB and noted eight.¹
5. Accepted recommendations included calls for increased legislative and executive efforts to prevent and counter intolerance and discrimination on the basis of religion or belief, to promote interfaith dialogue, to take action to prevent and prosecute acts of violence and incitement against religious minorities, and to take action to prevent extremist groups from harassing, intimidating or persecuting religious and other minorities.
6. However, recommendations such as calls to repeal or amend blasphemy laws, including specific calls to "end prosecutions under articles 156 and 156(a) of the Criminal Code for exercising freedom of religion and expression" were noted. Also rejected were broader recommendations to review and repeal laws and decrees which discriminate against religious minorities and limit the right to FoRB, and to

¹ United Nations General Assembly (UNGA) Human Rights Council (HRC), 'Report of the Working Group on the Universal Periodic Review: Indonesia', A/HRC/36/7, 14 July 2017; UNGA HRC, 'Report of the Working Group on the Universal Periodic Review: Indonesia. Addendum, views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review', A/HRC/36/7/Add.1, 19 September 2017

safeguard and expand FoRB by revising national legislation to protect all forms of FoRB, including atheistic and non-theistic beliefs and beliefs outside the six officially recognised religions in Indonesia, in accordance with Article 18 of the International Covenant on Civil and Political Rights (ICCPR).

7. CSW is concerned that Indonesia also noted broader recommendations calling for the protections and respect of minority groups, as well as recommendations to “thoroughly and transparently investigate past human rights violations”, and to repeal or amend Articles 106 and 110 of the Criminal Code which restrict the rights to freedom of expression and freedom of assembly and association. Indonesia also rejected a number of recommendations relating to the rights of women as well as calls to ratify the Rome Statute of the International Criminal Court and other outstanding international treaty ratifications.
8. Continued reports of FoRB violations in Indonesia during the reporting period indicate that the accepted recommendations have not been sufficiently implemented.

Indonesia's legal framework

9. Although Indonesia is the world's largest Muslim-majority nation, it is not constitutionally an Islamic state. Indonesia's constitution enshrines protection for religious pluralism under the state ideology known as 'Pancasila', based on a belief in God and a guarantee for the right to practice the religion of one's choice. Indonesia has also signed and ratified the ICCPR which contains provisions for FoRB. The country has made a remarkable transition from authoritarianism to democracy over the past two decades.
10. However, while the principle of religious pluralism is at the heart of Indonesia's constitution, it is limited. Religious beliefs and practices outside the six officially recognised faiths are not protected, and nor is the right to atheism. The Ministry of Religious Affairs (MORA) recognises six religions: Islam, Catholicism, Protestantism, Buddhism, Hinduism, and Confucianism.
11. Some joint Ministerial decrees fuel ongoing FoRB violations. These include the 2006 Joint Regulation of the Minister of Religious Affairs and the Minister of Home Affairs No. 8 and 9/2006, on the construction of places of worship; the 2008 Joint Decree of the Minister of Religious Affairs, the Attorney General and the Minister of Home Affairs restricting the activities of the Ahmadiyya community; and the 1965 blasphemy law, set out in Articles 156 and 156 (a) of Indonesia's criminal code and in Presidential Decree No. 1/PNPS/1965.
12. CSW is particularly concerned by the misuse of blasphemy laws in Indonesia for political reasons, to silence dissent, and to target religious minorities. The threshold of requirements for evidence or proof of intent is very low.
13. The most significant example is the former governor of Jakarta, Basuki Tjahaja Purnama (known as 'Ahok'), who was sentenced to two years in prison on charges of blasphemy in 2017. As a Chinese Christian, Ahok was Indonesia's most prominent

ethnic minority politician and the first non-Muslim governor of Jakarta for over 50 years. He was released from prison three months early on 24 January 2019.

14. In August 2018, a mother of two from Tanjung Balai was jailed for 18 months on blasphemy charges after she had spoken in private with the daughter of a caretaker from a neighbouring mosque, asking that the volume of the loudspeakers be lowered. After rumours had spread through the town that she had demanded that Muslims stop doing their call to prayer, a number of attacks were carried out in Tanjung Balai, including on the woman's house and at least 14 Buddhist temples.
15. In April 2020, a man from Surabaya was charged with blasphemy for altering the lyrics to an Islamic song.
16. In 2019, proposals were made for revisions to Indonesia's Criminal Code, which would include an expansion of blasphemy laws to criminalise acts such as defaming a religion, persuading someone to be a non-believer, disturbing a religious ritual or making noise near a house of worship, insulting a cleric while leading a ritual, stealing religious artefacts and damaging a house of worship. This legislation was postponed in September 2019 on the instructions of the President, following popular protests, however in June 2021 The Jakarta Post reported that parliamentarians had resumed deliberations on the proposed revisions.²
17. Legislative improvements in recent years include a November 2017 Constitutional Court ruling which made it legal for indigenous faith groups to identify their faith on identity cards, a decision hailed by activists as a 'new chapter for religious freedom.'

2019 General Elections

18. On 17 April 2019 Indonesia, the world's third largest democracy, held elections in which over 190 million people cast their votes for the presidency and the national, regional and local legislatures. The election followed what almost all observers and participants acknowledge was the most divisive presidential campaign in the country's recent history. Election day itself was calm, peaceful and orderly, and there was no violence or turmoil following the initial 'quick count' results which consistently gave the incumbent president Joko Widodo victory over his rival, former General Prabowo Subianto. However, when the official results were announced on 21 May, confirming the victory of President Widodo, violent riots erupted in Jakarta and elsewhere, resulting in the deaths of at least six people.³
19. Moreover, the campaign itself featured religion, religious intolerance and identity politics as much more prominent themes than in any previous campaign, and threatened to further tear at Indonesia's proud tradition of religious pluralism.
20. CSW is encouraged that despite such a divisive campaign, and despite the post-election violence, the election itself was conducted smoothly, peacefully, credibly,

² The Jakarta Post, 'Speak up now on criminal code', 18 June 2021

<https://www.thejakartapost.com/academia/2021/06/17/speak-up-now-on-criminal-code.html>

³ BBC, 'Indonesia post-election protests leave six dead in Jakarta', 22 May 2019 www.bbc.co.uk/news/world-asia-48361782

legitimately and fairly, which is a tribute to the sustainability of Indonesia's democracy after only two decades of transition from dictatorship.

21. CSW is encouraged also that despite the use of religion in the campaign, the majority of Indonesians voted for a candidate who clearly championed Indonesia's diversity, against a candidate who, whatever his own personal beliefs, had built a coalition of supporters that included radical Islamist and ultra-conservative Muslim organisations that would have threatened Indonesia's tradition of pluralism.

22. At present, Indonesia's next general election has been set for 14 February 2024.

Rising religious intolerance

23. While Indonesia's tradition of religious pluralism does have limitations which should be addressed, including the lack of protection for adherents of religions outside the six religions recognised by the constitution and for those of other beliefs, it was designed to protect pluralism in a Muslim-majority nation.

24. Rising religious intolerance, however, threatens to destroy these achievements and poses a threat not only to the country's religious minorities, but to all Indonesians who value democracy, human rights, peace and stability.

25. There has also been a decline in state-sponsored violations of FoRB. However, there continues to be growing religious intolerance in society, as evidenced by the instrumentalization of religion in the 2019 elections.

Attacks on religious minorities

26. Incidents of violence against religious minorities, particularly Christians, Ahmadiyyas, Shi'as and adherents of religions or beliefs not recognised by the state, including indigenous traditional beliefs, continue periodically within a climate of impunity.

27. In September 2020, UCA News reported that Reverend Yerima Zanambani, a Protestant pastor and Bible translator, had been shot dead in Indonesia's restive Papua region.⁴ There was some dispute over whether he had been killed by the Indonesian military or by members of a local separatist group, however in October 2020 Indonesia's human rights commission (Komnas HAM) reported that a fact-finding team believed Pastor Zanambani had been tortured and killed by the military, who were hoping to extract information on stolen military weapons.⁵

28. On 30 November 2020, IS-linked Islamic militants carried out an attack on a Salvation Army outpost in Lemban Tongoa village in Indonesia's Central Sulawesi province. Four people were killed, one of whom was beheaded, and several homes were burnt down, including a house used for prayers.

⁴ UCANews, 'Protestant Pastor shot dead in Indonesia, 21 September 2020 <https://www.ucanews.com/news/protestant-pastor-shot-dead-in-indonesia/89597>

⁵ CNN Indonesia, 'Investigasi Tim Kemanusiaan: Pendeta Yerima Ditembak TNI', 30 October 2020 <https://www.cnnindonesia.com/nasional/20201029125036-20-563926/investigasi-tim-kemanusiaan-pendeta-yerima-ditembak-tni>

Attacks on places of worship

29. Various places of worship have been attacked during the reporting period, including Christian churches, Ahmadiyya mosques and Buddhist temples.
30. One of the darkest days for religious minorities in the country occurred on 13 May 2018 when three churches in Surabaya, Indonesia's second largest city, were attacked within minutes of each other by a family of suicide bombers. Three individuals received prison sentences for their suspected involvement in the bombing in March 2019.
31. On Palm Sunday, 28 March 2021, suicide bombers attacked a Catholic Church in Makassar, South Sulawesi, leaving at least 14 people injured.⁶
32. In March 2020, 15 Indonesians filed a lawsuit with the Supreme Court arguing that the closure of thousands of places of worship was being done under a discriminatory law, the 2006 Religious Harmony regulation.⁷

Ahmadiyya Muslim community

33. The Ahmadiyya Muslim community has existed in Indonesia since 1925, and claims a population of approximately 500,000 across 330 branches throughout the country. The Ahmadiyya consider themselves to be Muslims but are regarded by some other Muslims as heretical.
34. Since 2005, the community has experienced serious violations of FoRB, including incidents of violence. A Joint Ministerial Decree introduced in 2008 by the Minister of Religious Affairs, the Attorney General and the Minister of Home Affairs prohibited promulgation of Ahmadiyya teachings. In 2011, the then Minister of Religious Affairs repeatedly called for an outright ban on the Ahmadiyya, and in 2013 the governor of West Java said that there would be no violence against the Ahmadiyya if there were no Ahmadiyya teachings or practices, describing Ahmadiyya Islam as "a deviant belief." The "problem," he added, "will disappear if the belief disappears."
35. Although there has been, according to Ahmadi representatives, "some improvement" under the government of President Joko Widodo, intimidation of the Ahmadiyya continues and Ahmadiyya activities continue to be restricted to date.
36. On 14 January 2022, UCA News reported that a district chief in Indonesia's West Kalimantan province ordered the demolition of an Ahmadi mosque that had been damaged in a September 2021 attack by Muslim extremists.⁸ The order was issued days after the perpetrators of the attack were jailed for four months.

Recommendations

⁶ BBC, 'Indonesia bombing: Worshippers wounded in Makassar church attack', 28 March 2021

<https://www.bbc.co.uk/news/world-asia-56553790>

⁷ Twitter, tweet by Andreas Harsono, 5 March 2020, <https://twitter.com/andreasharsono/status/1235707989459337216>

⁸ UCANews, 'Indonesian district to demolish Ahmadi house of worship', 14 January 2022

<https://www.ucanews.com/news/indonesian-district-to-demolish-ahmadi-house-of-worship/95731>

37. ***Implement the recommendations it accepted in previous UPR cycles, and make every effort to accept and implement the recommendations noted previously.***
38. ***Repeal or amend the blasphemy laws to ensure that they are not misused to settle personal scores or target religious minorities.***
39. ***Review the 2008 anti-Ahmadiyya decree and work towards its repeal.***
40. ***Issue a standing invitation to UN Special Procedures and invite the UN Special Rapporteur on freedom of religion or belief to visit the country with unhindered access.***
41. ***Ensure that the 2024 elections are conducted in a transparent, fair and just manner and that election campaigns protect and promote the right to freedom of religion or belief, the concept of Pancasila', and that all parties condemn any instances of discrimination and incitement to hate against religious or belief minorities.***
42. ***Ensure that thorough, impartial investigations into violations against religious or belief minorities are carried out, tackle impunity, and ensure perpetrators prosecuted.***
43. ***Invest in initiatives to protect and promote the principles of freedom of religion or belief and to promote interfaith harmony and dialogue, including in schools and universities.***
44. ***Ensure civil society participation in the UPR consultation, to enable civil society organisations to continue collecting information on the situation of freedom of religion or belief in Indonesia, and find ways to systematically use the information collected as part of an early warning system.***