

## INTRODUCTION

1. Christian Solidarity Worldwide (CSW) is a human rights organisation specialising in freedom of religion or belief. CSW monitors the human rights situation in Indonesia and undertakes fact-finding assignments to the country, as well as raising awareness of human rights concerns and advocating for the full protection of human rights in Indonesia. This submission seeks to draw attention to particular concerns over the right to freedom of religion or belief in Indonesia.
2. This submission will first assess Indonesia's international legal obligations and the recommendations from the previous Universal Periodic Review (UPR). It will then outline concerns regarding legislation restricting freedom of religion or belief in Indonesia and detail some examples of violations of freedom of religion or belief in Indonesia.

## INTERNATIONAL LEGAL OBLIGATIONS

3. Indonesia has signed and ratified many international human rights treaties, notably the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention on the Rights of the Child; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the International Covenant on Economic, Social and Cultural Rights.
4. During the country's previous UPR cycle, Indonesia accepted at least 21 recommendations relevant to freedom of religion or belief. Of these recommendations, CSW welcomes the efforts of the current government of Indonesia to fight all forms of discrimination and to respect the rights of religious minorities. However, CSW notes with concern that recommendations to review existing laws and policies to ensure their compatibility with international protections for freedom of religion or belief, and to bring them in line with Indonesia's own constitution, do not appear to have been implemented fully. Recommendations urging the authorities to ensure that all ministerial decrees regulating religious life, as well as all local religiously founded bylaws, are in conformity with international human rights law do not appear to have been implemented either.
5. CSW notes with concern the continuing violations of freedom of religion or belief arising from 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 Ahmadiyah 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. Furthermore, CSW notes that proposed legislation to protect freedom of religion or belief has been delayed, and remains concerned that recent drafts of the proposed bill revert to an approach focused on a religious harmony bill which restricts freedom of religion or belief.

6. **Recommendation: The State Party is urged to review all accepted recommendations from the previous cycle, and in particular to take active steps to review and repeal or amend legislation that is inconsistent with its international human rights obligations.**
7. **Recommendation: The State Party is urged to invite the UN Special Rapporteur on freedom of religion or belief to visit the country and engage in a constructive dialogue with all relevant stakeholders.**

### **VIOLATIONS OF FREEDOM OF RELIGION OR BELIEF IN INDONESIA**

8. Incidents of violence against religious minorities, particularly Christians, Ahmadiyahs, Shi'as and adherents of religions or beliefs not recognised by the State including indigenous traditional beliefs, continue periodically and within a climate of impunity. These are documented in detail in CSW's report *Indonesia: Pluralism in Peril – The rise of religious intolerance across the archipelago*, published in 2014.<sup>1</sup>
9. According to the Setara Institute, cases of religious intolerance increased by 50% in 2015 compared with 2014. The Setara Institute recorded 197 cases and 236 incidents of violence in 2015. In 2014 the number of cases was only 134, with 177 incidents of violence. The Wahid Institute recorded 190 violations of freedom of religion in 2015, an increase of 23% from 2014.
10. The situation in Aceh Singkil is of particular concern. On 21 October 2015 the government destroyed a church, the Protestant Christian Church of Pakpak Dairi (GKPPD) and a chapel, Undung-undung Katolik Desa Mandumpang. On 13 October a man was killed and a church burnt down in violent clashes, which erupted after a demonstration on 6 October by an Islamic youth group demanding that the local government tear down a number of churches they claimed had been built illegally, without permits. They threatened to tear down the churches themselves if their demands were not met. The local government agreed to the demands to demolish at least 13 churches and force the churches to register for new permits to build churches. They also decided to force the Christian community to adhere to a 1979 agreement which stated that only one church and four chapels can be built in Aceh Singkil. However, the Islamic youth group took matters into their own hands. After the first church was burned down, they clashed with Christians at another church. The organisation Solidarity of Victims of Freedom of Religion and Belief Violence (SobatKBB) stated that the incident in Aceh must not be viewed as an isolated incident, but is the result of discriminatory policies against churches which have been applied since 1979. Furthermore, the government's 2006 Joint Ministerial Regulation on Houses of Worship has complicated the question of legality for houses of worship built before 2006. Palti Panjaitan, National Coordinator of SobatKBB,

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<sup>1</sup> Christian Solidarity Worldwide (2014), *Indonesia: Pluralism in Peril – The rise of religious intolerance across the archipelago* [www.csw.org.uk/2014-indonesia-report](http://www.csw.org.uk/2014-indonesia-report)

said that the government's focus must be not only on halting the violence but also on conflict resolution and the repeal of discriminative legislation: ***“Without any serious effort, violence in Aceh will keep recurring. Christians practically live without any protection, which keeps them in fear of further attack and violence.”***

11. The April 2016 decision to punish an elderly Christian woman under shari'a law and subject her to whipping for selling alcohol in Aceh province, is concerning. This is the first time shari'a punishments have been imposed on a non-Muslim. The woman, reportedly aged 60, was whipped with a rattan cane almost 30 times in front of a crowd of hundreds of people, according to news reports.
12. The closure of churches in many parts of Indonesia is a continuing cause for concern. In particular, it is disturbing that the case of Gereja Kristen Indonesia (GKI) Yasmin church in Bogor, West Java, has not been resolved. In 2006 the church received a licence from the local government, but in 2008 the licence was withdrawn without explanation and the church building was sealed. Later in 2008 the administrative court in Bandung ruled that the withdrawal of the licence was unlawful and that the church should be permitted to continue operating. The Court of Appeal and the Supreme Court subsequently made the same ruling, and on 12 October 2012 the Ombudsman sent a letter to the president of Indonesia (Number 475/ORI-SRT/X/2011). In the letter he called on the president to intervene, arguing that the mayor of Bogor's blatant refusal to abide by the Supreme Court's ruling is 'not in accordance to the principles of good governance... This case requires attention, follow up and steps from the President of Indonesia.' No action has been taken to ensure that the Supreme Court's ruling is upheld.
13. The case of Huriah Kristen Batak Protestan (HKBP) Filadelfia church in Bekasi is very similar, and has not been resolved. Since 2010 HKBP Filadelfia has been prohibited from using its church building, even though the district court and the central provincial court ruled that the church was legal and should be opened. In both cases, extremist mobs regularly harass and threaten the pastors and congregation. Further details of these and other cases can be found in CSW's report, *Indonesia: Pluralism in Peril*.<sup>2</sup>
14. Santa Clara Church in Bekasi is another prominent case. For 18 years this Catholic church has been meeting in a small shopping centre, unable to construct their own church building. In 2016 the local authorities granted approval for the construction of a church building, and have promised to protect the church from extremist groups who threaten to stop the construction.

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<sup>2</sup> ibid.

15. In August 2016 a man armed with a bomb and an axe attacked St Yosef Catholic Church in Medan, North Sumatra. His bomb failed to explode but he assaulted the priest with the axe, according to news reports.
16. The Ahmadiyah community continue to face periodic violence and discrimination. In May 2016 an Ahmadi mosque was destroyed in Gemuh village, Kendal regency, Central Java. In January 2016 the Ahmadiyah community in Bangka Island was threatened with expulsion from the area if they did not ‘return to Islam’.
17. Mob violence in Tanjung Balai, North Sumatra, led to the destruction of at least five Buddhist temples in the area in July 2016.
18. Anti-Shi’a hate speech has increased in recent years. In November 2015 an Anti-Shia National Alliance (Annas) was established, reportedly with 17 branches across West Java.
19. The case of Millah Abraham/ex-Gerajan Fajar Nusantara (GAFATAR) is disturbing. GAFATAR is a syncretistic religious movement. It was founded in 2011, and draws on the teachings of the Abrahamic faiths. On 19 January 2016 a mob attacked and burned two of this community’s settlements in West Kalimantan, destroying all the buildings and expelling the community from the land. The government forcibly relocated the community members back to their original areas, and the police arrested the three community leaders and charged them with blasphemy and treason. CSW is aware that there are allegations that GAFATAR is a cult, but from the evidence available, the handling of the case is in severe violation of international human rights standards. Any alleged criminal activity by GAFATAR members should be investigated and addressed through standard legal mechanisms, without mob violence, forcible relocation or infringements of freedom of religion or belief.
20. **Recommendation: The State Party should protect places of worship, enable licensed houses of worship to open and function, and prosecute those who incite or perpetrate violence against religious communities.**
21. **Recommendation: The State Party should take action to eliminate all forms of coercion to adopt a particular religion or belief.**
22. **Recommendation: The State Party should abolish the religion column on identity cards, as recommended by the UN Committee on the Elimination of Racial Discrimination, in its review of Indonesia under the International Convention on the Elimination of All Forms of Racial Discrimination on 15 August 2007 (CERD/C/IDN/CO/3).**
23. **Recommendation: The State Party should revise the curriculum for religious education in schools to ensure that the adherents of religions or beliefs not recognised officially by the State are free to practise their own beliefs and are not compelled or coerced to practise other religions, and that adherents of religions are taught the basic tenets of the different religions practised in Indonesia in a balanced and accurate way to enhance mutual understanding.**

- 24. Recommendation: The State Party should release all prisoners detained under blasphemy charges.**

## CONCLUSIONS

25. CSW recognises and applauds Indonesia's tradition of religious pluralism, enshrined in the state ideology known as the 'Pancasila'.
26. CSW welcomes the work of prominent Sunni Muslim leaders in Indonesia who actively promote pluralism and freedom of religion or belief. CSW believes they should be supported and strengthened in the important work they are doing to promote inter-religious harmony.
27. CSW further welcomes the positive steps taken by the State Party to engage with civil society, condemn incidents of violence and develop training for the police in how to protect freedom of religion or belief.
28. CSW further welcomes the activities of some Sunni Muslim groups, particularly those associated with Nahdlatul Ulama and Muhammadiyah, to protect other religious communities and places of worship vulnerable to attack.
29. CSW expresses concern that so little progress has been made in implementing the accepted recommendations from the previous UPR cycles, and calls on the State Party to address the deteriorating situation for freedom of religion or belief as a matter of urgency.
30. Dr Ahmad Suaedy of the Abdurrahman Wahid Centre for Inter-Faith Dialogue told CSW, "We are seeing the mainstreaming of intolerance."
31. An Ahmadi villager in West Java told CSW, "Please let the outside world know that we are not safe any longer in our own homes, in our own place. It is not free any more for us to believe in something, to live a normal life, because there are always people who want to force us not to believe what we want to believe....All we want is to live in peace and to freely believe in what we want. That is all."
32. Syaiful Abdullah, a former leader of the extremist Islamist group Front Pembela Islam (FPI), who now works to counter extremism and intolerance, told CSW, "I hope international human rights organisations will pressure the government, because the government has put its hands up, it does not know what to do any more...My last hope is for the international community. Please do something, make pressure, to guarantee protection."
33. The senior adviser to the vice-president of Indonesia, Dr Dewi Fortuna Anwar, told CSW, "The international community should continue to play an important role in encouraging and reminding Indonesia what it stands for, and not to betray all that of which it is justly proud."