



# General Assembly

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## Human Rights Council

### Thirteenth session

Agenda item 3

**Promotion and protection of all human rights,  
civil, political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by the International NGO Forum on Indonesian Development (INFID), a non- governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2010]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Freedom of Religion and Beliefs in Indonesia<sup>1</sup>**

We, INFID and the undersigned Indonesian NGOs who are concerned with religious freedom and pluralism in the country, submit this written statement to you. In general the lack of the state obligations on the fulfilment, respect and the protection of religious freedom have threatened pluralism and religious freedom itself. In particular the concerned government has lack of law enforcement against the violation of such religious freedom. On the other the government still interferes with the individual sphere of religious freedom where obviously the government still adopts the blasphemy law (the Act Number 1/PNPS of 1965) and the provisions of religious defamation within the Indonesian Penal Code for blaming and sentencing the minority groups and unofficial religions both inter-religion and internal religion.

The following things are the violations of the freedom which have been occurred in December 2009 – February 2010 as follows:

The attack of the Filadelfia Church on December 2009 in the district of Bekasi West Java province where the attackers were from the radical groups. The law enforcement official in particular the police station could not arrest and or detain the main master of such attack. The building of the Church has been damaged and cannot be used for worship purposes. Actually the Church has obtained a legally permit from the local government for building the church according the existing regulation of worship building;

The closure of the HKBP/the Lutheran Church Pondok Timur in January 2010 in the district of Bekasi West Java province. The local government has forced to close the Church on the reason of such church building which does not have any legal permit according to the existing regulation, though the Church has tried to submit such permit;

The closure of the Yasmin Church in the district of Bogor West Java Province in February 2010. The local government has withdrawn a legal permit on the building of the Church with anonymous reasons. Actually the Church has obtained such permit legally, however the local government followed the radical groups to withdraw the permit;

The government still adopts the blasphemy law and religious defamation provisions within the penal code (article 157, 156 of the penal code). The representative of the government, the Ministry For Religious Affair and the Ministry For Human Rights, argued that such laws are still needed in order to avoid social disorder. They delivered their speech on the issue during the hearing of reviewing the blasphemy law at the Indonesian Constitutional Court where several NGOs and individual are challenging the blasphemy law before the Court. The blasphemy law is against the religious freedom provisions within the Constitution in particularly the law itself prohibits interpretation and activities against the mainstream religious teachings otherwise people who are against the law can be sent to jail with a maximum sentence of less than five years. On the other hand, the government itself is not neutral according to the law where the government can accommodate a single interpretation, then can say the other interpretation is deviant. Such sentence is a kind of coercion which has been prohibited by article 2 of the International Covenant on Civil and Political Rights where apparently Indonesia is a party to the Covenant that why the government must follow international human rights norms including freedom of religion.

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<sup>1</sup> Human Rights Working Group (HRWG)-Indonesia, The Wahid Institute, Indonesian Legal Resource Center (ILRC) also share the views expressed in this statement

Obviously our founding fathers in the country are in favor of religious freedom and pluralism internally and externally. We can see such principle with the Indonesian Constitution so-called “Bhineka Tunggal Ika” (United in Diversity).

Accordingly, we recommend the following things:

- The government shall fulfill, protect and respect individual rights of religious freedom;
- The government shall abolish the blasphemy law and all provisions in relation to religious defamation within the penal code;
- The Constitutional Court of Indonesia shall decide the blasphemy law is unconstitutional in the violation of freedom of religion rights.

Thanks a lot for your cooperation and attention.

  

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