



# General Assembly

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## Human Rights Council

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Human rights situations that require the Council's attention

### **Written statement\* submitted by the Jubilee Campaign, 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.

[20 August 2012]

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\* This written statement is issued, unedited, in the language received from the submitting non-governmental organizations.

## **Human rights and freedom of religion or belief in Indonesia\*\***

### **Introduction**

The Jubilee Campaign, together with Christian Solidarity Worldwide (CSW), seeks to draw the Human Rights Council's attention to the situation of human rights and freedom of religion or belief (FoRB) in Indonesia. Indonesia is the world's largest Muslim country, with longstanding traditions of religious plurality, democratic rule and freedom of expression. These traditions are enshrined within the country's 1945 constitution which, although it formally recognises only six religions, guarantees "all persons the freedom of worship, each according to his/her own religion or belief."<sup>1</sup> However, there is now serious concern that this guarantee is being fatally eroded or distorted, owing primarily to the activity of extremist groups and complicity of the Indonesian government.

### **Rise in extremist Islamic groups**

In recent years, there has been a rise in extremist Islamist groups such as the Front Pembela Islam (FPI) within Indonesia. These groups, which include both street organisations and political parties, pose an immediate and serious threat to religious liberty; indeed, many are committed to the elimination of all other religious practices within Indonesia. Although their sentiments are those of the minority within Indonesia, their insistence and perceived strength has led to the suppression of other religions within some Indonesian communities. Of particular concern is the forced closure of Christian churches, action against members of religious groups under current blasphemy laws, and oppression of people in West Papua.

### **The closure of Christian churches and governmental failure**

There have been various reports of Christian churches facing harassment, intimidation and closure following pressure by Islamist groups. In recent months this has included over 20 churches in Aceh, along with several more in West Java. Despite its stated commitment to religious freedom, Indonesia's government has often appeared complicit in these closures, refusing to intervene. Moreover, serious attacks have been treated with disproportionate tolerance by the Indonesian legal system, for instance in the case of an FPI member whose initial sentence of less than six months for attempted murder was subsequently dropped because he had already served time in jail before the trial. Such occurrences may be seen as indicative of a systemic bias towards members of extremist Islamic groups and reluctance on the part of the Indonesian government to challenge these groups' actions.

In addition, divisions between local and national government, as well as Indonesia's Supreme Court, have resulted in the illegitimate forced closure of some Christian churches. This was recently exemplified in the case of the Gereja Kristen Indonesia (GKI) Yasmin Church in Bogor, West Java. Following a series of protests in 2005, the church was sealed by local authorities. Contrary responses between these authorities, Indonesia's national government and judiciary then ensued: a day after police removed the seal and permitted the church to open, it was resealed; the following year, Bogor's mayor granted GKI Yasmin a building permit, in response to which local authorities ordered construction to stop; in January 2011, the Indonesian Supreme Court ordered the church to be reopened, but the

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\*\* Christian Solidarity Worldwide, an NGO without consultative status, also shares the views expressed in this statement.

<sup>1</sup> <http://www.embassyofindonesia.org/about/pdf/IndonesianConstitution.pdf> (accessed 11.07.2012).

city authorities refused to comply.<sup>2</sup> On 11 March 2011, the mayor responded to local pressure by taking away the church's building permit, a revocation he subsequently maintained in spite of a recommendation by Indonesia's National Ombudsman Institute to reverse the decision.<sup>3</sup> While in this case Indonesia's national government and courts ruled in favour of religious freedom therefore, they may nevertheless be accused of failing to properly enforce their decision against the dictates extremist Islamic groups and local authorities.

### **The misuse of blasphemy and religious hatred laws**

Articles 156 and 156(a) of Indonesia's Criminal Code outline laws prohibiting blasphemy, heresy and religious defamation.<sup>4</sup> While the apparent objective of these articles is to prevent the expression of hostility or disrespect towards another's religious adherence, they have conversely been used in recent years to undermine plurality and freedom of expression in Indonesia. In particular, injunctions against "Christianization" and insulting Islam have provided a mandate to Islamic groups to call for measures which infringe upon religious freedom. These include the aforementioned closure of Christian churches and the arrest of Alexander Aan, an atheist accused of insulting Islam through his membership of the 'Ateis Minang' Facebook group. Aan was sentenced to two and a half years in prison and fined.<sup>5</sup> In addition, there has been a worrying legislative move against the Ahmadiyya Muslim community. A joint ministerial decree, announced by the Indonesian government in June 2008, orders members of this community from discontinuing the expression of their beliefs, based on the accusation that they constitute a deviation from the "principle teachings of Islam." This would appear symptomatic of a drive within Islamic groups towards the elimination of other religions and denominations not adhering to their ideology or creed. Serial attacks against the Ahmadiyya community, using hate speech, protests and violence, have also been reported. Two major concerns must therefore be highlighted: firstly, that hostility against religious groups is being openly expressed and physical violence against these groups permitted; secondly, that Indonesia's legislative framework, far from acting as a barrier to these abuses of religious freedom, in fact facilitates and even safeguards their continuation.

### **Oppression and violence in West Papua**

A predominantly Christian area, residents of West Papua seem to have come under particular attack. Concerns about *dakwah* (Islamic proselytizing) by groups moving into the region have been expressed. In sharp contradistinction to the reactions above concerning accusations of "Christianization" and insulting Islam, these overt attempts to convert those belong to another faith do not appear to have resulted in any judicial or governmental action. In addition, the suppression of those in West Papua by Indonesian security forces continues to present a very serious threat to these peoples' right to freedom of expression.

<sup>2</sup> Compass Direct, "Church Building in Bogor, Indonesia Re-Opens – for a Day", 8 September 2011 - <http://www.compassdirect.org/english/country/indonesia/25340>.

<sup>3</sup> Compass Direct, 'Mayor in Indonesia Again Balks at Granting Church Permit', 15 August 2011 - [http://www.compassdirect.org/english/country/indonesia/article\\_116175.html](http://www.compassdirect.org/english/country/indonesia/article_116175.html).

<sup>4</sup> [http://www.wipo.int/clea/docs\\_new/pdf/en/id/id039en.pdf](http://www.wipo.int/clea/docs_new/pdf/en/id/id039en.pdf) (accessed 11.07.2012).

<sup>5</sup> The Jakarta Post, 'Prison for 'Minang atheist'', <http://www.thejakartapost.com/news/2012/06/15/prison-minang-atheist.html> (accessed on 11.07.2012).

### **Conclusion**

Indonesia stands at a crossroads. On the one hand, its constitution and legal framework are designed to achieve ambitions of freedom, religious inclusivity and plurality. On the other however, there is evidence that these ambitions are being steadily undermined, frustrated or distorted by groups who do not recognize the legitimacy of any other religious faith. Rather than being the vehicle by which these groups are brought to justice, the government of Indonesia has displayed what appears to be a willing impotence in failing to deal with the developing situation.

### **Recommendations to the Human Rights Council**

- To urge the Indonesian government to fully investigate violations of religious freedom, including violent attacks and continuous intimidation campaigns against religious minorities, and to bring perpetrators to justice;
- To urge the Indonesian government to support the efforts of Muslim civil society organisations working to promote pluralism, harmony and religious freedom, and counter radicalism and extremism;
- To urge the Indonesian government to act immediately to protect Christian churches and communities from violent attacks, intimidation and harassment, particularly in West Java, and to permit the construction of churches which have received licenses through the approved process;
- To urge the Indonesian government to act immediately to protect Ahmadiyya Muslim communities;
- To urge the Indonesian government to consider ways of amending or revising the blasphemy and heresy laws, including clarifying the definitions and strengthening the requirements for proof of intent and evidence;
- To raise concerns with the Indonesian government regarding the impact of migration on West Papuan society, and explore ways of addressing these concerns and preventing religious or ethnic conflict;
- To urge the Indonesian government to provide humanitarian assistance to the people of West Papua, along with funding and expertise for Papuan civil society and human rights organizations;
- To urge the Indonesian government to engage in a meaningful dialogue with the Papuan people, facilitated by an independent, international mediator;
- To urge the Indonesian government to permit unrestricted access to West Papua for international journalists, human rights and humanitarian Non-Governmental organizations.

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