

**INDONESIA**



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## Key Findings

Incidents of discrimination against religious minorities and attacks on religious properties continue to occur in Indonesia, typically isolated incidents localized in certain provinces. Radical groups perpetrate many of these attacks and influence the responses of local government officials when violence occurs. These groups target non-Muslims, such as Christians, and non-Sunni Muslims whose practice of Islam falls outside what the groups deem acceptable. Encouragingly, in 2015, President Joko Widodo, Religious Affairs Minister Lukman Hakim Saifuddin, and other government officials regularly spoke out against religious-based violence. While such statements are in stark contrast to the previous administration's open support for radical groups, the longstanding policies and practices that motivate and provide cover for radical groups' actions against religious communities remain in place and continue to mar Indonesia's prospects for genuine religious freedom. Based on these concerns, in 2016 USCIRF again places Indonesia on Tier 2, where it has been since 2003.

## Background

Indonesia is the world's most populous Muslim-majority country: more than 87 percent of the nearly 256 million population identify as Muslim. While the vast majority of Indonesia's Muslims are Sunni, up to three million are Shi'a and up to 400,000 Ahmadi. Christians represent seven percent of the population, Catholics nearly three percent, and Hindus nearly two percent. However, in some areas of the country, Christians or Hindus comprise the majority. Indonesia recognizes six religions: Islam, Catholicism, Protestantism, Buddhism, Hinduism, and Confucianism. Smaller segments of the population practice unrecognized faiths, such as Sikhs, Jews, Baha'is, and Falun Gong.

President Joko "Jokowi" Widodo and his administration have demonstrated a more inclusive approach

toward religious communities, which has helped mitigate some religious-based violence. The government is working on a religious protection bill that is expected to address issues such as houses of worship and the treatment of non-recognized religious groups. Those familiar with drafts of the bill, including Indonesia's independent National Human Rights Commission, Komnas HAM, have raised concerns it includes problematic language from existing policies and regulations. In the meantime, existing discriminatory policies are still in place.

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Komnas HAM and local non-governmental organizations assessed significant increases in religious freedom violations and violence in 2015. For example, the Setara Institute calculated a 33 percent increase in incidents of violence over the previous year, many committed by police. Violations rarely are investigated and attackers, whether police or radical mob groups, continue their abuses with relative impunity.

In August 2015, a USCIRF Commissioner-led delegation visited Indonesia, meeting in the capital, Jakarta, and the city of Bogor in West Java with government officials, representatives from multiple religions and faiths, Muslim organizations, and civil society organizations. The delegation raised specific cases of religious-based violence and discussed policies to protect religious freedom. Government officials described their efforts to promote understanding across faiths, support religious education, and teach local officials about religious regulations. Government officials acknowledged to USCIRF

that some groups and individuals, such as the Indonesian Council of Ulema (MUI) and the Islamic Defenders Front (FPI), target Muslims they perceive to be practicing Islam in unacceptable ways.

## Religious Freedom Conditions 2015–2016

### General Conditions

During USCIRF's visit to Indonesia, several interlocutors noted that their religious communities experienced challenges in certain parts of the country but otherwise spoke of generally fair conditions for religious freedom. Individuals of many faiths – even beyond the six officially recognized religions – have the flexibility to practice, worship, and teach freely. Some religiously diverse neighborhoods have long traditions of interfaith interaction and cooperation. Komnas HAM has expanded its investigations into religious freedom violations, and has noted the difficulties in preventing local officials from discriminating against religious minorities and reminding them of their responsibility to follow national laws and policies.

### Forced Closures of and Violence against Religious Properties

In some parts of the country, local governments commonly restrict or prevent religious practice pursuant to government policy, specifically the 2006 Joint Regulation on Houses of Worship, which requires permits for houses of worship. Under the 2006 Regulation, obtaining a permit requires: a list of 90 congregation members; signatures from 60 local households of a different faith; recommendations from the local religious affairs office and local Religious Harmony Forum (FKUB); and approval from the sub-district head. The Regulation provides local governments the latitude to deny permits to smaller congregations and the authority to close or tear down houses of worship built prior to 2006. Komnas HAM and local NGOs have raised concerns about the violence and conflict caused by the 2006 Regulation.

For example, in October 2015, protestors in Aceh Singkil District in the province of Aceh demanded the local government close 10 churches without permits. Perceiving the government to be acting too slowly, a reported mob of hundreds attacked and set fire to two of the churches; one man was killed. The next day on Twitter, President Jokowi urged an end to the violence,

stating that violence harms diversity. Although the government deployed additional police and military troops in the area, thousands of mostly Christian residents fled the province. Due to the lack of permits, the authorities tore down several of the churches. In July, hardliner groups and local Muslim residents also protested several churches in Yogyakarta over alleged permit issues.

Similarly, local officials closed the Indonesian Christian Church (GKI) Yasmin in Bogor, West Java after hardliners pressured the local government to suspend the church's permit in 2008. Despite a 2010 Supreme Court ruling ordering the church be reopened, it remains closed. In 2015, the city revealed plans to relocate the church, which the congregation rejected because they had not been consulted. At Christmas, the GKI Yasmin church joined with fellow West Java church, the Filadelfia Batak Church (HKBP) closed by the Bekasi city government in 2011, in holding outdoor services across from the Presidential Palace in Jakarta.

Christian churches are not the only houses of worship targeted. In July 2015, a crowd of approximately 200 people threw rocks and set fire to a mosque in Tolikara, Papua when local Muslims gathered to perform Idul Fitri prayers. The fire spread to several nearby shops and forced the evacuation of approximately 200 local residents.

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### Ahmadis

The government's 2008 Joint Ministerial Decree bans Ahmadis from spreading their faith, and the MUI issued a *fatwa* (religious edict) declaring the Ahmadiyya faith to be deviant and heretical. Over the years, some religious leaders and entire provinces have expanded restrictions on Ahmadis, banning all Ahmadiyya activities; some Ahmadiyya mosques have been closed as a result. While meeting USCIRF, Ahmadis described facing challenges in some parts of the country in building new mosques and obtaining ID cards. They also reported being blocked

by mobs during Friday prayers and poor responsiveness from local police, including inaction against harassment and attacks. However, Ahmadis expressed optimism in the Jokowi government, citing its openness to speak with members of their community.

Beginning in June 2015, protestors in South Jakarta, some belonging to FPI, prevented Ahmadis from performing Friday prayers at the An Nur Mosque on two non-successive Fridays, and on July 8 the mosque was sealed. Jakarta Governor Basuki “Ahok” Purnama ordered the mosque reopened, but it remained closed at the end of the reporting period. Basuki’s support is a welcome development, including his decision to allow Ahmadis in the area to worship from home. Meanwhile, Ahmadis in other parts of the country also experience restrictions and abuses. A total of 118 Ahmadis remain internally displaced in Mataram, West Nusa Tenggara after sectarian violence forced their eviction more than nine years ago.

### Shi’a Muslims

Like Ahmadis, Shi’a Muslims are viewed as practicing a “deviant” or “heretical” form of Islam. Throughout 2015, conservatives and hardliners within the Sunni majority, including those affiliated with the Anti-Shi’a National Alliance, continued to harass and threaten Shi’a Muslims. Shi’a Muslims who spoke with the USCIRF delegation during its visit reported that members of their community face discrimination in civil service positions and accusations of blasphemy. However, they noted few

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restrictions establishing mosques, although Shi’a Muslims in Indonesia generally do not seek to build their own mosques. Approximately 300 Shi’a Muslims from East Java have been displaced since 2012 after a mob attacked their village and forced them from their homes. In October 2015, Bogor Mayor Bima Arya Sugiarto banned the Shi’a Muslim commemoration of Ashura. Protestors in Bandung interrupted Ashura celebrations as well.

### Baha’is

Indonesia’s Baha’i community still experiences government discrimination because of their faith. Despite Religious Affairs Minister Lukman’s 2014 statement that the Baha’i faith should be recognized as a religion protected by the constitution, the government has not changed official policy. Baha’i followers are not able to obtain state recognition of civil marriages, have limited educational opportunities, and must state a faith other than their own on their ID cards. Only recently have some Baha’is been allowed to leave blank the religion field on their ID cards. Although some schools now allow Baha’is to provide their own religious education, Baha’i instruction is not part of the official curriculum on religion set by the national standards board, and some Baha’i students instead are forced to study Protestantism or Catholicism.

### Constitutional Court Fails to Protect Interfaith Marriage

In June 2015, the Constitutional Court ruled against a request for judicial review of the 1974 Marriage Act to fully legalize interfaith marriages. Some government officials and religious leaders interpret Article 2(1) of the Act in a way that prevents couples of different faiths from obtaining marriage licenses or having their marriages officially recognized unless one spouse changes religions. Government officials, including Religious Affairs Minister Lukman, lauded the Court’s decision for protecting religion; Lukman said interfaith marriage is not possible.

### Blasphemy Law

Government officials told USCIRF that the laws criminalizing blasphemy and other forms of perceived religious insults are in place to protect citizens from violence. One official admitted the government “limits speech in order to prevent societal chaos.” Interlocutors told USCIRF that blasphemy cases are now typically tried under criminal defamation laws rather than the 1965 Blasphemy Law. Other interlocutors noted that the Blasphemy Law, whether directly in use or not, provides the majority the right to persecute the minority, particularly at the regional and local level where pressure from intolerant, hardline groups can be most severe.

## Responses to Terrorism and Perceived Threats to Islam

Indonesia's experience with and fear of terrorism shape the government's position on certain freedoms, including religious freedom. The government has struggled to respond to a secretive religious sect known as the Fajar Nusantara Movement, or Gafatar. On January 19, 2016, a mob set fire to houses belonging to former Gafatar members in West Kalimantan; in total, several thousand residents fled or were evacuated. The government and Muslim leaders are suspicious of the group – believed to combine aspects of Islam, Christianity, and Judaism – although no link to terrorism has been proven. In February 2016, the MUI issued a *fatwa* pronouncing the group to be heretical, and the government announced plans to “re-educate” the members so they better understand “real Islam.” On January 14, 2016, terrorists affiliated with the Islamic State of Iraq and the Levant (ISIL) detonated bombs and opened fire in Jakarta, Indonesia's capital, killing eight people, including four of the terrorists. The police have since arrested or detained several dozen other suspected terrorists linked to the attack. In response, the government revised the 2003 Anti-Terrorism Law to expand police capabilities to prevent attacks and detain suspected terrorists, but human rights advocates criticized the draft for curtailing rights and opening the door to abuse of power; the revisions were still pending in parliament at the end of the reporting period.

Barack Obama. The two presidents released a joint statement agreeing to enhance the U.S.-Indonesia Comprehensive Partnership and further cooperate on key issues of bilateral interest, including: maritime affairs, defense, economic growth and development, energy development and energy security, and people-to-people contacts. A new Ministerial Strategic Dialogue was established, reflecting both countries' intent to deepen the bilateral relationship at all levels. In a speech during the visit, President Jokowi welcomed U.S. engagement in East Asia and announced Indonesia's intention to join the Trans-Pacific Partnership regional free trade agreement.

Although the Comprehensive Partnership facilitates multiple avenues for bilateral engagement, human rights have not been featured prominently despite cooperation between the two countries on broader issues, such as democracy and civil society. While in Malaysia, attending the November 2015 Association of Southeast Asian Nations Summit, President Obama praised Indonesia for representing tolerance and peace.

Following the Southeast Asia refugee and migration crisis in 2015, in which thousands of Rohingya Muslims left Burma and Bangladesh by sea for other countries, Indonesia sheltered at least 1,800 Rohingya Muslims, most of whom were from Burma. The vast majority resided in makeshift camps in Aceh Province. In May 2015, both Indonesia and Malaysia agreed to provide

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## U.S. Policy

In a region plagued by democratic backsliding, stalled reforms, and the lingering vestiges of military or authoritarian control, Indonesia has made more democratic progress than its neighbors, serving as a role model in the region. Thus, the bilateral U.S.-Indonesia relationship carries strategic significance.

In October 2015, President Jokowi made his first official visit to the United States and met with President

temporary shelter to thousands of refugees for up to one year to allow time for resettlement to third countries. Assistant Secretary of State for Population, Refugees, and Migration Anne Richard visited Aceh in June 2015. By early 2016, countries in the region, including Indonesia, had convened two iterations of the “Special Meeting on Irregular Migration in the Indian Ocean,” to discuss how to assist individuals fleeing and the root causes of their movement. However, reports indicate that many of

the Rohingya Muslims from Bangladesh were repatriated to that country and those from Burma have left the Aceh camps, likely to make their way to Malaysia.

## Recommendations

Indonesia's democratic success makes it an important partner for U.S. engagement and leadership in the Asia Pacific, a collaboration that will strengthen if Indonesia becomes a beacon not just of democracy, but of protecting human rights pursuant to international standards, including freedom of religion or belief. The United States must encourage the Indonesian government to prevent radical hardliners from shaping religious policies and take other measures to protect followers of all faiths. In addition, USCIRF recommends that the U.S. government should:

- Urge the Indonesian government, at central, provincial, and local levels, to comply with the Indonesian constitution and international human rights standards by:
  - overturning the 2008 Joint Ministerial Decree on the Ahmadiyya community and any provincial bans on Ahmadiyya religious practice;
  - amending or repealing Article 156(a) of the Penal Code and releasing anyone sentenced for “deviancy,” “denigrating religion,” or “blasphemy;” and
  - amending the 2006 Joint Regulation on Houses of Worship to allow religious communities the right to build and maintain their places of worship free from discrimination and threats;
- Offer technical assistance to the Indonesian government as it drafts legislation protecting religious freedom, as appropriate;
- Create specific bilateral working groups as part of the Comprehensive Partnership meetings with Indonesia to discuss human rights, religious freedom, and rule of law issues and establish concrete measures to address them;
- Raise in public and private with Indonesian officials the need to protect Indonesia's tradition of religious tolerance and pluralism by investigating, arresting, and prosecuting individuals or groups who

discriminate or commit acts of violence against religious communities;

- Prioritize funding for governmental, civil society, and media programs that promote religious freedom, counter extremism, build interfaith alliances, expand the reporting ability of human rights defenders, train government and religious officials to mediate sectarian disputes, and build capacity for legal reform advocates, judicial officials, and parliamentarians to better fulfill Indonesia's obligations under international human rights law; and
- Help to train Indonesian police and counter-terrorism officials, at all levels, to better address sectarian conflict, religion-related violence and terrorism, including violence against places of worship, through practices consistent with international human rights standards, while ensuring those officers have not been implicated in past human rights abuses pursuant to Leahy Amendment vetting procedures.