

INDONESIA



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Key Findings

As in previous years, internal pressures continued to diminish Indonesia's respect for religious freedom and tradition of tolerance and pluralism. Deteriorating religious freedom conditions in Indonesia in 2014 were somewhat overshadowed by legislative and presidential elections, but discrimination and violence against religious minorities continued, as well as the harassment and imprisonment of individuals accused of blasphemy. The announcement of President Joko "Jokowi" Widodo's intent to draft a law on religious tolerance that protects minority religious groups was welcomed, as its creation and passage could represent a major step forward in protecting religious freedom and living up to Indonesia's perceived reputation for tolerance. Yet the prospects for this unrealized commitment are threatened by the deeply entrenched legacy of the previous administration's discriminatory laws, policies, and practices against religious minorities and the relative impunity afforded to extremist groups. Based on these concerns, in 2015 USCIRF again places Indonesia on Tier 2, where it has been since 2003.

Background

The year 2014 capped off the decade-long presidency of Susilo Bambang Yudhoyono, under whose tenure religious extremism, and its expression through acts

in 2014. The Ministry itself has a history of implementing discriminatory practices and laws against non-Sunni Muslims, in particular Shi'a and Ahmadi Muslims. Hardline groups that incite violence against religious minorities or Muslims, with whom they disagree, continue to operate freely and with relative impunity.

Anti-Shi'a and anti-Christian attitudes came to the fore during the elections. Extremist groups heightened rhetoric in support of candidates who would "purge Shiites" from the country. Following a number of rallies, in early December, the extremist group the Islamic Defenders Front (FPI) "rejected" the newly-appointed Jakarta governor, Basuki "Ahok" Tjahaja Purnama, because he is an ethnic Chinese Christian, arguing that only a Muslim should be in charge of Jakarta; Ahok is the first non-Muslim Jakarta governor in 50 years. In addition, during the campaign, Jokowi's detractors falsely accused him of being both a Christian and of Chinese descent in an attempt to reduce his support among majority Muslim voters.

President Jokowi and the new Religious Affairs Minister, Lukman Hakim Saifuddin, have already struck a different, more inclusive tone in their statements. However, President Jokowi and Minister Lukman's planned new legislation protecting religious minorities has yet to be introduced. Moreover, it will take time to roll back deep-seated discrimination against religious

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of violence, grew with little government intervention. Religious Affairs Minister Suryadharma Ali, known for his support of Islamic extremist elements, also left office

minority groups, including Ahmadis, Christians, Shi'a, Sufi, Hindus, Baha'is, and followers of various indigenous and traditional beliefs. Indonesia has the world's largest Muslim population, 87 percent of its more than

250 million people. Approximately 10 percent of the country's population are Christian, three percent of whom are Catholic.

Indonesia's federal system and weak oversight gives provinces wide latitude to enforce negative interpretations of Indonesian law, ignore court decisions, and apply Shari'ah law in ways that violate constitutional protections. Consequently, to see durable and lasting improvements for religious freedom and minority rights, the government will need to ensure the broad coordination and cooperation of the complex layers of federal, provincial, and local officials spread across this vast chain of islands.

Religious Freedom Conditions 2014–2015 **Forced Closures of and Violence against Religious Properties**

Local government officials continue to harass religious minorities over religious sites, particularly in West Java. Local authorities justify church closures under a federal government decree requiring prior approval to build a house of worship from at least 60 local residents of different faiths, the local religious affairs department, and the government-sponsored Regional Interfaith Com-

gregation in Bogor spent Christmas locked out of their church building. After the church lost its permit in response to pressure from hardline groups, local authorities closed it in 2010. The Supreme Court has since ordered the church be reopened, but two mayoral administrations have ignored the order. Extremists, whom local Catholics identified as belonging to FPI and another similar group, also prevented the celebration of Mass at St. Charles Borromeo in West Java after first raiding the property and later sending threatening text messages to the parish priest.

Ahmadis

Followers of the minority Ahmadi faith continued to experience significant restrictions and abuses. A 2008 Joint Ministerial Decree bans Ahmadis from spreading their faith and provides the foundation for even harsher discriminatory measures and attacks against the community. On June 26, 2014, the Nur Khilafat Mosque, the house of worship for Ahmadis in Ciamis district in West Java, was closed just days prior to the month of Ramadan following the demands of approximately 300 FPI protestors. The following week, the congregation managed to reopen the mosque. More than 100 Ahmadis remain

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munication Forum. Although the rule is supposed to apply only to new construction, municipal authorities in West Java also have enforced it against long-established churches. In May 2014, government officials in Rancaekek, West Java issued a notice closing the Pentecost Church. In June, a Pentecostal church in Yogyakarta was attacked with stones, causing property damage, and an attack on a nearby Catholic prayer service resulted in several injuries. Also in June, Christian representatives in Cianjur, West Java filed complaints with the National Human Rights Commission, regarding the closure of seven churches on the pretext of permit violations between December 2013 and January 2014. This was the fifth consecutive year in which the GKI Yasmin

internally displaced in Mataram, West Nusa Tenggara after religious-based violence forced their eviction more than eight years ago.

Shi'a and Sufi Muslims

In April 2014, an estimated 1,000 or more people attended the first-ever Anti-Shi'a Convention. Organized by the Anti-Shi'a Alliance, the convention featured several high-profile clerics and called for "jihad" against Shi'a Muslims. Participants produced a declaration urging the government to ban the Shi'a faith. Sufi communities continue to face school closures and harassment from extremist groups with no protection from municipal authorities, particularly in Aceh.

Baha'is

Licenses and permits often are difficult to obtain for those without one of the country's six official religions on their ID cards. In July 2014, the new Minister of Religious Affairs, Lukman Hakim Saifuddin, stated that the Baha'i faith should be recognized as an official religion and adherents should be able to indicate Baha'ism as their religion on national identity cards. Despite the minister's encouraging announcement, the Ministry itself thus far has not taken action to add the Baha'i faith to the list of official religions.

Shari'ah Law in Aceh

In 2014, the local legislature in the province of Aceh passed a new bylaw that strengthened Shari'ah law and for the first time ever expanded it to non-Muslims, both Indonesians and foreigners; an estimated 90,000 non-Muslims reside in Aceh. The bylaw imposes Islamic law on persons of other faiths, establishes new crimes not found in the national criminal code, and potentially forces non-Muslims to be tried in Shari'ah courts. Some religious minorities have expressed concern that they will be punished under the bylaw for failing to conform to tra-

ditional Islamic guidelines, even though those guidelines are not recognized by their own religions. Moreover, the bylaw entrenches Sunni Islam as the official religion in Aceh, thereby imposing Sunni traditions on all Muslims in the province, including Shia Muslims, as well as Ahmadis, overriding their right to practice their faiths freely. The new bylaw is enforced by Aceh's Shari'ah police force, known as Wilayatul Hisbah, which has seen its jurisdiction expand in recent years. Human rights advocates argue that Wilayatul Hisbah oversteps and unfairly targets women and the poor. They also have expressed concern that the growing breadth of crime and punishment under the bylaw has coincided with increased incidents of civilian vigilantism in parts of Aceh.

Local authorities in the city of Banda Aceh, and elsewhere throughout the province, banned all New Year's celebrations, deeming them contrary to Islam. The ban, issued via a fatwa from the Ulema Consultative Assembly, is similar to one delivered the previous year. Wilayatul Hisbah raided cafes, storefronts, and other locations where celebrations and paraphernalia were suspected.

Marriage Act under Judicial Review

In August 2014, a group of law graduates and students brought a case challenging the constitutionality of Article 2(1) of the 1974 Marriage Act, which, according to some interpretations, prohibits interfaith marriages. That provision legitimizes only those marriages conducted in accordance with the laws of the parties' religion, and has been interpreted by the Ministry of Religious Affairs, and some religious leaders and local municipalities, to mean that couples of different faiths cannot obtain marriage licenses or have their marriages officially recognized unless one spouse changes religions. The ambiguity and open interpretation of the Marriage Act adds onerous bureaucratic hurdles for some couples seeking interfaith

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unions and, in practice, compels some individuals to convert to another faith solely to marry, which undermines the individual freedoms to practice a religion and marry a partner of one's choice.

Blasphemy Law

Indonesian laws criminalizing blasphemy and other forms of perceived religious insults continue to be used against individuals, often on trumped-up charges. For example, in 2014, Abraham Sujoko received a two-year prison sentence and fine for "defamation of religion" under Indonesia's Electronic Information and Transaction Law. In December 2014, police opened an investigation of Meidyatama Suryodiningrat, editor of The

Jakarta Post, for publishing what some believe to be a blasphemous cartoon criticizing the violence carried out by the terrorist group ISIL, the Islamic State of Iraq and the Levant.

U.S. Policy

An important U.S. partner in Southeast Asia, Indonesia is geopolitically strategic and often touted as an example of democracy in a Muslim-majority country.

Education and Training, and the U.S. Trade and Development Agency.

In 2010, the United States and Indonesia entered into a Comprehensive Partnership, a framework for cooperation on a variety of bilateral and regional issues, guided by three main pillars of cooperation and six issue-specific working groups, including one on democracy and civil society. The Partnership has elevated U.S. engagement with Indonesia and provided

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Traditionally, Indonesia has been viewed as a leader in the Association of Southeast Asian Nations (ASEAN). Indonesia is also a member of the G20, the only ASEAN member in the group. At the November 2014 G20 Summit in Brisbane, Australia, President Jokowi outlined four economic priorities: business licensing, tax reform, fuel subsidies, and social infrastructure.

The United States provides a variety of assistance programs to Indonesia in areas such as education, the environment, criminal justice and anti-corruption, counterterrorism, military education and training, and democracy and governance, among others. The main conduits for this assistance are the State Department, the U.S. Agency for International Development (USAID), the Millennium Challenge Corporation (MCC), and the Peace Corps. For example, MCC's Indonesia Compact is a \$600 million five-year program aimed at reducing poverty and expanding economic growth more broadly. In recent years, the U.S. government has shifted its USAID support to programs that are administered or conducted directly by Indonesian organizations and institutions, which includes civil society and local businesses. In its FY2016 Budget, the State Department noted Indonesia as a possible country of focus under its Countering Violent Extremism program; Indonesia was similarly noted in State's FY2015 Budget. Other specific U.S. funding programs include International Narcotics Control and Law Enforcement, Global Health, International Military

a clear pathway for dialogue on key issues of mutual interest. Thus far, human rights have not featured prominently in the engagement between the two countries under the Partnership, though related issues have, such as civil society consultations and peer-to-peer relationship-building. Prior to the Partnership, the United States and Indonesia co-sponsored a religious interfaith conference in Jakarta in 2010; similar dialogues were held in Bangladesh and at the Vatican.

Secretary of State John Kerry attended President Jokowi's inauguration in October 2014. At the first meeting between Presidents Obama and Jokowi in November 2014 during a summit of the Asia-Pacific Economic Cooperation forum, President Obama praised Indonesia for playing "an extraordinary role in promoting pluralism and respect for religious diversity."

Recommendations

Through increased engagement, the United States has both encouraged Indonesia and raised concerns about human rights conditions in the country, including the treatment of religious minorities. USCIRF encourages the U.S. government to continue to express these concerns both publicly and privately, particularly with respect to rising intolerance and extremism. In addition, USCIRF recommends that the U.S. government should:

- Encourage President Jokowi and Minister Lukman to fulfill their commitment to introduce new legislation

protecting religious minorities and offer to provide technical assistance, if needed;

- Create specific bilateral working groups in the annual 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 arresting and prosecuting individuals targeting religious groups for discrimination and violence;
- Urge the Indonesian government, at central, provincial, and local levels, to comply with the Indonesian constitution and international standards by: overturning the 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 Joint Ministerial Decree No. 1/2006 (Regulation on Building Houses of Worship) to allow religious minorities the right to build and maintain their places of worship;
- 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.