

INDONESIA 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution allows for religious freedom, but some laws and policies restrict it. The government generally upheld the rights of followers of the six officially recognized religious groups to worship freely and in accordance with their beliefs. The government did not consistently extend the same protections to other religious groups or to groups within those six recognized groups that espoused interpretations that local or national religious leaders deemed deviant or blasphemous. The government prosecuted those who made oral or written statements that it deemed blasphemous. The government sometimes failed to prevent violence, abuse, and discrimination against individuals based on their religious belief. Government officials, including at the local level, discriminated against followers of religious groups that constituted a local minority due to pressure from other groups. Cabinet officials made public statements calling for conversion of adherents of certain religious groups and offering support to violent organizations. There were reports the minister of religious affairs witnessed the controversial conversion of members of the Ahmadiyya Muslim community.

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. These abuses occasionally included incidents of communal violence and were more common in provinces and districts that had enacted discriminatory regulations. While this violence sometimes occurred along sectarian lines, it was often linked to political and economic disparities.

The U.S. government discussed religious freedom with government and civil society leaders. Through outreach efforts, including mass media, public speaking engagements, youth exchanges, and educational programs, the embassy and other posts carried the message of respect for diversity and religious tolerance to tens of millions of people throughout the country.

Section I. Religious Demography

The U.S. government estimates the total population at 251.2 million (July 2013 estimate). Approximately 87 percent of the population is registered as Muslim, 7 percent Protestant, 3 percent Roman Catholic, and 1.5 percent Hindu. Members of other religious groups (Buddhism, traditional indigenous religions, Confucianism, and other Christian denominations) and those who did not respond to a 2010 census question comprise approximately 1.25 percent of the population.

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The country's Muslim population is overwhelmingly Sunni. Of the more than 207 million Muslims, an estimated one to three million are Shia. Many smaller Muslim groups exist, including approximately 200,000-400,000 members of the Ahmadiyya Muslim community.

An estimated 20 million people, primarily in Java, Kalimantan, and Papua, practice various traditional belief systems, often referred to collectively as *Aliran Kepercayaan*. There are approximately 400 different *Aliran Kepercayaan* communities throughout the archipelago. Many combine their beliefs with one of the government-recognized religions and register under that recognized religion.

The country has a small Sikh population, estimated at between 10,000 and 15,000, residing primarily in Medan and Jakarta. There are tiny Jewish communities in Jakarta, Manado, and Surabaya. The Bahai community reports thousands of members, but no reliable figures are available. Falun Dafa (or Falun Gong), which considers itself a spiritual organization rather than a religion, claims several thousand followers, but specific numbers are unavailable. The number of atheists is also unknown, but the group Indonesian Atheists claims to have more than 500 members.

The province of Bali is predominantly Hindu, and the provinces of Papua, West Papua, East Nusa Tenggara, and North Sulawesi are predominantly Protestant Christian.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution protects religious freedom, but some laws, policies, and local regulations restrict religious freedom for members of minority religious groups. The constitution accords "all persons the right to worship according to their own religion or belief" and states "the nation is based upon belief in one supreme God." The first tenet of the country's national ideology, Pancasila, similarly declares belief in one God. Government employees must swear allegiance to the nation and to the Pancasila ideology and civil society organizations are required to uphold Pancasila.

The Ministry of Religious Affairs (MRA), according to law, extends official status to six religious groups: Islam, Catholicism, Protestantism, Buddhism, Hinduism,

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and Confucianism. Although unrecognized groups have the right to establish a place of worship, obtain identity cards, and register marriages and births, they can face administrative difficulties in doing so. These challenges make it more difficult for individuals to find jobs or enroll children in school. Identity card applications are now legally acceptable when the religion section is left blank. Nevertheless, individuals report they face obstacles in doing this.

The government permits the practice of traditional belief systems, or *Aliran Kepercayaan*, as cultural manifestations rather than as religions. *Aliran Kepercayaan* groups may register with the Ministry of Education and Culture at the district or provincial level, and local authorities generally respect their right to practice their beliefs.

The government bans both proselytizing by the Ahmadiyya community and vigilantism against the group. It does not, however, consistently enforce the latter. Violation of the proselytizing ban carries a maximum five-year prison sentence on charges of blasphemy. The ban does not prohibit Ahmadi Muslims from worshipping or continuing to practice within their community. A number of provincial and local laws further restrict practice by Ahmadi Muslims.

The law forbids disseminating information designed to spread hatred or dissension among individuals and/or certain community groups on the basis of ethnicity, religion, or race. The law provides for a maximum sentence of five years for inciting hatred.

The government maintains the power to impose limitations on religious freedoms based upon security considerations. Contravening such limitations could be prosecuted as blasphemy, which carries a maximum sentence of five years' imprisonment.

The government requires officially recognized religious groups to comply with directives from the MRA and other ministerial directives, on issues such as construction of houses of worship, overseas aid to domestic religious institutions, and propagation of religion.

According to a joint ministerial decree, religious groups wanting to build a house of worship are required to obtain the signatures of at least 90 members of the group and 60 persons of other religious groups in the community stating that they support the construction. The decree also requires approval from the local religious affairs office, the Forum for Religious Harmony (FKUB). The government-established

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FKUBs exist at the city or district level and are comprised of religious leaders from the six recognized religious groups. They are responsible for mediating interreligious conflicts.

Legal guidelines require domestic religious organizations to obtain approval from the MRA to receive funding from overseas donors and ban proselytizing to members of recognized religious groups under most circumstances.

Conversion of minors to a religion other than their own through “tricks” and/or “lies,” terms that can be applied loosely, is a crime punishable by up to five years in prison.

Aceh remains the only province authorized by national legislation to implement sharia (Islamic law). The law formally allows for the implementation and regulation of sharia, and extends the jurisdiction of religious courts to economic transactions and criminal cases. Provincial sharia criminalizes close contact between unmarried, unrelated members of the opposite sex and bans alcohol consumption and gambling. Non-Muslims are specifically exempted.

The penalty for serious violations of sharia can include caning. Persons subject to caning in Aceh are fully clothed, sometimes with several layers of clothes. There are also regulations effectively limiting the amount of force that may be applied during a caning.

Although not specifically classified as sharia, many local governments outside of Aceh attempt to implement sharia-based regulations. Nongovernmental organizations (NGOs) estimate that 50 to 60 local governments throughout the country have adopted sharia-inspired regulations. Such regulations are unevenly enforced. Non-Muslims are generally exempted from regulations that relate to religious observation, such as those requiring women to wear headscarves. Some sharia-based regulations, however, do not exempt non-Muslims. For example, local regulations requiring women outside of their homes after a certain hour to be accompanied by her husband or a *muhrim* (male relative whom the woman cannot marry) apply to all residents, regardless of their religious affiliation. Some local regulations also mandate elected Muslim officials, students, civil servants, and individuals seeking marriage licenses be able to read the Quran in Arabic and prohibit Muslims from consuming alcohol and gambling. Other regulations prohibit the sale of food and beverages during the day throughout the month of Ramadan and make mandatory the payment of *zakat*, or alms, for Muslims.

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Civil rights activists asserted sharia-based regulations violate the constitution and called on the government to exercise its constitutional jurisdiction to revoke or review these regulations.

The law allows a Muslim man to have up to four wives, provided he is able to support each equally. For a man to take a second, third, or fourth wife, he must obtain court permission and the consent of the first wife; however, these conditions are not always required in practice. Many women reportedly encounter societal pressures compelling them to grant permission for additional marriages. Islamic women's groups remain divided over whether the system needs revision. The Constitutional Court upheld the first wife's right to deny a husband's demand to take additional wives, ruling that restrictions on polygamy in the marriage law violate neither the constitution nor tenets of Islam and are necessary to protect the rights of women. Some members of Islamic groups view this as a restriction of their religious freedom.

The marriage law makes polygamy illegal for civil servants, except in limited circumstances. Government regulations require Muslim male civil servants to receive permission from a government official and their first wives prior to marrying a second, third, or fourth wife, and prohibit female civil servants from becoming second, third, or fourth wives.

Some provinces refuse to implement the pornography law on the grounds that it limits religious and cultural expression, thereby compelling all citizens to adhere to conservative interpretations of Islamic customs. The Governor of Bali stated the law is incompatible with traditional Hindu dances and customs. The law outlaws pornographic acts and images, defining pornography as “man-made sexual materials in the form of drawings, sketches, illustrations, photographs, text, voice, sound, moving pictures, animation, cartoons, poetry, conversations, and gestures.” It also outlaws public performances that could “incite sexual desire.” The law also appears to proscribe the traditional clothing worn in many areas of the country.

Religious instruction in any one of the six official religions is legally required when requested by a student.

Religious speeches are permissible if delivered to members of the same religious group and are not intended to convert persons of other religious groups.

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Publication of religious materials or the use of religious symbols is permitted; however, the government bans dissemination of these materials to persons who do not adhere to the religion of the group disseminating the materials.

Religious groups and social organizations must obtain permits to hold religious concerts or other public events. The government usually grants permits in an unbiased manner unless a concern exists the activity would raise strong objections from members of another religious group in the area.

Foreign religious workers must obtain religious worker visas, and foreign religious organizations must obtain permission from the MRA to provide any type of assistance (in-kind, personnel, or financial) to local religious groups.

Government Practices

There were reports of imprisonment and detention of persons of religious conscience, encouraged conversion, forced resettlements, and destruction and obstruction of places of worship. The country has a long tradition of religious pluralism but official actions restricted religious freedom. Public statements by cabinet officials calling for conversion of adherents to certain religions and offering support to violent organizations reinforced these restrictions.

Government officials limited the rights of adherents to minority faiths to worship freely. Broad interpretations of the joint ministerial decree limiting certain activities by Ahmadiyya Muslims and related regional and gubernatorial regulations led to abridgement of the right to worship for a number of Ahmadi congregations in West Java. Violent Islamist groups like the Islamic Defender's Front (FPI) pressured local government officials into limiting freedom of worship ostensibly in exchange for societal harmony.

The Ministry of Home Affairs holds the authority to review and revoke local regulations that are not in accordance with national legislation. Between January and September the ministry reviewed 2,005 local regulations and found that 178 were not in accordance with national legislation. A ministry spokesperson reported some of the regulations were revoked because they violated religious freedom, but was not able to provide an exact number.

NGOs reported on continuing government abuses of religious freedom during the year. The Setara Institute, an Indonesia-based NGO that conducts advocacy and research on religious and political freedom, reported 70 cases of government

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abuses of religious freedom between January and June. The Setara Institute noted inaction by security forces was the most common category of abuse by state actors during that period, while government closing of houses of worship was the second most common category of abuse by state actors.

There were approximately eight prisoners of religious conscience held during the year. Authorities held these prisoners in conditions similar to those of other inmates at government facilities. In January the Bandung High Court in West Java extended to five years the sentence of Sebastian Joe, who was convicted of blasphemy in November 2012. The court found that some of Joe's Facebook postings "harassed and tarnished the teachings of Islam."

Sentences in cases of violence stemming from religious intolerance often were not commensurate with the crimes, and religious freedom advocates voiced concern that light sentences emboldened violent hardliners, as they viewed such sentences as tacit government approval of their actions.

In January and February the Surabaya Court sentenced five suspects to terms ranging from eight months to four years for their roles in the August 2012 attack on a Shia community in Sampang, East Java, which left two Shia dead, dozens of homes burned, and 300 people displaced. In April the Surabaya Court acquitted Rois Al-Hukama, the alleged ringleader, stating no witnesses saw the Sunni leader participate in the attack.

In June government officials forcibly resettled 162 Shia residents of Sampang from the stadium where they had been housed since the 2012 attack. Officials moved the group approximately 70 miles to an apartment block in Sidoarjo, East Java. The minister of home affairs cited security concerns as the primary reason for the forced resettlement.

Following the resettlement, President Yudhoyono met with government officials, religious leaders, and the Shia community's legal representative. Based on discussions during the meeting, the rector of the Islamic State University in Surabaya led the formation of a reconciliation forum aiming to resolve the conflict and ensure the return of the displaced community to their homes in Sampang. At year's end, the group remained in Sidoarjo.

There were also cases of officially encouraged conversion. In May the minister of religious affairs attended a conversion ceremony in Tasikmalaya, West Java, during which 20 members of the Ahmadiyya Muslim community publicly

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professed their commitment to Sunni Islam. Critics of the government's role in the conversion observed the converts likely felt pressured out of fear that they would have to move from their homes because police would fail to protect them from violent hardliners who attack Ahmadi's homes and mosques. Some religious tolerance advocates also pointed to economic motivations behind local officials' support for conversion, as local administrations receive funds from both the national and provincial governments to encourage members of the Ahmadiyya Muslim Community to embrace Sunni Islam.

In April Rahmat Effendi, the mayor Bekasi City, West Java, ordered members of the Bekasi Public Order Agency (Satpol PP) to seal the Ahmadiyya Al-Misbah Mosque after members of the FPI said they would open an office in the same neighborhood. At the time the Satpol PP sealed the mosque, 30 members of the Ahmadiyya congregation remained inside to protest the mayor's decision, which he based on a gubernatorial decree limiting Ahmadi's right to worship. After more than a month in the mosque, the congregation members departed. The congregation then filed law suits challenging the sealing and requested the Supreme Court to review the gubernatorial decree. At year's end the mosque remained sealed and there were no decisions in the court cases.

In March agents of the local government bulldozed the Batak Christian Protestant (HKBP) Setu Church in Bekasi District, West Java. The demolition followed protests by the FPI and an order from the regent of Bekasi district, Neneng Hasnah Yasin. The regent cited zoning violations as her reason for ordering the demolition.

The Mayor of Kupang in East Nusa Tenggara also cited zoning regulations when he ordered a halt to construction by Sunnis of Nur Musafir Mosque in 2011, after local Christian groups called for an investigation into the process by which the mosque obtained its permit. In June, however, the mayor announced there was no objection from the neighboring community and asked the mosque committee to fulfill all the administrative requirements before continuing the construction work. At year's end construction had yet to resume.

In January an FPI member went to trial for allegedly desecrating an Ahmadi mosque in October 2012. The presiding judge refused to allow Ahmadi witnesses to swear an oath on the Quran. Initially the judge called for the witnesses to be sworn in using the Quran, as their identity cards listed their religion as Islam. The judge, however, ordered the witnesses to take a secular oath following shouts of protest from FPI members who had packed the courtroom to show support for their

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comrade. The FPI and some government ministers have publicly observed they do not believe that followers of the Ahmadiyya faith are Muslim.

Police appeared to act in concert with the FPI and similar groups on other occasions. In June the FPI tried to stop a Muslim-Christian dialogue held in Surabaya. Upon the arrival of the FPI, police who were guarding the venue ordered the dialogue to end and detained the event organizer. Police said the event did not have a permit.

In October Minister of Home Affairs Gamawan Fauzi referred to the FPI as “a national asset” and called on local government officials to seek constructive ways to work with the group. In public remarks, Fauzi suggested the group should be involved in organizing holiday celebrations.

Animists, Bahais, *Aliran Kepercayaan* practitioners, and members of other small minority religious groups found it difficult to register births or marriages, notwithstanding a regulation that specifically allowed *Aliran Kepercayaan* marriages to be officially recognized. According to representatives of the *Aliran Kepercayaan* communities, adherents sometimes found it difficult to find employment or educational opportunities due to the blank religion field on their identity cards (KTPs).

A group of 116 Ahmadi Muslims living as internally displaced persons in Mataram, West Nusa Tenggara, reported the local government refused to issue them KTPs or their children birth certificates, thus impeding their access to government services. Unlike in prior years, however, the group reported local government officials did allow their children to attend school.

In practice, couples prevented from registering their marriage or the birth of a child sometimes converted to one of the recognized religious groups or misrepresented themselves as belonging to one of those groups. Those who chose not to register their marriages or births risked future difficulties, such as an inability to obtain birth certificates for children, which were required for school enrollment, scholarships, and government employment.

Interreligious couples also continued to face obstacles to marrying and officially registering. As a result, some couples traveled outside the country to marry and then registered the marriage at an Indonesian embassy. Despite being among the officially recognized religious groups, Hindus stated they frequently had to travel

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long distances to have their marriages registered, because in many rural areas the local government could not or would not process the registration.

Human rights groups continued to receive occasional reports of local civil registry officials who rejected applications for KTPs submitted by members of unrecognized or minority religious groups. While civil registry regulations allowed the religion field to be left blank or select the choice “other,” the decentralized nature of the issuance of identity cards meant some regions did not comply with these regulations. Some members of unrecognized religious groups found it easier to register with a religion other than their own and were issued KTPs that inaccurately reflected their religion. For example, some animists received KTPs that listed their religion as Islam. Many Sikhs registered as Hindu on their KTPs and marriage certificates. Similarly, some Jews registered as Christians or Muslims. Some citizens without a KTP had difficulty finding work. Several NGOs and religious advocacy groups continued to urge the government to delete the religion field from the KTPs, but made no progress.

Christian groups stated foreign religious workers found it relatively easy to obtain or extend visas. Requirements for religious worker visas were, however, more onerous than other visa categories. The application required approval from both local and national offices within the MRA and disclosure of the number of followers of the religion in the community. The applicants had to attest they would remain in their position no more than two years before being replaced by a local national. Foreigners granted such visas worked relatively unimpeded and could travel freely throughout the country.

Government Inaction

The government failed to take sufficient action with regard to continued discrimination, restrictions, and attacks toward religious minorities.

In May hard-liners attacked the predominantly Ahmadi village of Tenjowarinigin, West Java, following a Quranic recital for members of the Ahmadiyya Muslim community from throughout the area. In the lead up to the event, the Ahmadis coordinated closely with police to seek to ensure there would be sufficient security for the event. When a group of approximately 250 hard-liners from nearby Tasikmalaya arrived in the middle of the night, police watched as they vandalized a mosque, a school, and 29 homes.

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Police sometimes failed to prevent or to sufficiently investigate instances in which militant groups and mobs throughout the country attacked, vandalized, forced to close, or prevented the establishment of houses of worship, religious schools, and homes of Muslim groups regarded as unorthodox.

The government did not take any concrete action to enforce the Supreme Court decisions permitting the Indonesian Christian (GKI) Yasmin Church in Bogor and the HKBP Filadelfia Church in Bekasi to reopen.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Many incidents of societal violence occurred along sectarian lines, but contained both religious and secular aspects.

Religious groups such as FPI, as well as local branches of the Islamic Clerical Council (MUI), often succeeded in restricting the rights of religious minorities through coordinated attacks and intimidation. Mobs of people not clearly affiliated with any group also engaged in acts of violence and discrimination on the basis of religion. The Setara Institute reported 90 cases between January and June in which non-state actors abused or discriminated against religious minority groups. According to the report, the two provinces most affected by religious communal violence were West Java and East Java.

On September 11, a Sunni mob attacked Darussholihin Pesantren (Islamic boarding school), in Puger, East Java, seriously damaging a mosque and burning 41 motorcycles. Following the attack, people affiliated with the pesantren launched a counterattack and killed one of the vandals. Police declared 20 people from both sides as suspects in the incident. This was the second attack on the pesantren after the local MUI issued a fatwa stating the teachings of Habib Ali, the pesantren's headmaster, were Shia. Previously the provincial MUI of East Java issued a fatwa calling Shia a deviant sect.

Societal discrimination against Ahmadi Muslims was widespread, especially in West Java. In July, a principal in Cianjur, West Java, expelled 10 Ahmadi elementary school students and fired two teachers following complaints from parents that the teachers were Ahmadis. The principal cited security concerns as the reason for his decision.

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Section IV. U.S. Government Policy

The U.S. Embassy in Jakarta, Consulate General in Surabaya, and the American Presence Post in Medan regularly engaged with all levels of the government on specific religious freedom issues and spoke publicly about the importance of religious tolerance and protecting minorities from acts of violence. Embassy staff at all levels met frequently with religious leaders, officials of Muslim social organizations, and human rights advocates to clarify U.S. policy in support of religious freedom, discuss religious tolerance, and promote respect for religion. Embassy officials also met with members of minority religious groups who were victims of violent attacks or found their houses of worship or training facilities forcibly closed.

Embassy staff appeared on a number of nationally televised programs to discuss themes related to religious tolerance and diversity. Alumni from U.S. governmentfunded student exchange programs often appeared with staff to provide firsthand accounts of their experiences in the United States. These outreach activities carried messages of social tolerance to tens of millions of viewers.

During Ramadan embassy staff held a number of events focused on religious tolerance. Muslim-American staff members discussed freedom of religion in the United States with a number of print and online media outlets. Online and traditional media outlets covered a number of iftar events hosted by the Ambassador and Deputy Chief of Mission during the month. Embassy and consulate general personnel led discussions and gave presentations at more than 60 venues throughout the country. Through this program, thousands of high school and university students received messages about diversity and religious tolerance.

In April the Ambassador hosted religious minority leaders at his home to discuss religious freedom. The embassy used social media outlets to share information about the meeting.

In October a visiting U.S. Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor hosted a luncheon with representatives from the Ahmadiyya Muslim community, GKI Yasmin Church, and other members of civil society. The group discussed issues of religious intolerance in the country and the need for the protection of minority groups.

The embassy, consulate general, and presence post also promoted pluralism and tolerance through study exchanges and other civil society programs.