

Introduction

Indonesia, the world's largest Muslim-majority nation, has a long tradition of pluralism, freedom of religion or belief (FoRB) and inter-religious harmony, and is widely respected around the world for its successful transition from authoritarian rule to democracy. Rising religious intolerance, however, threatens to destroy these achievements and poses a threat not only to the country's religious minorities, but to all Indonesians who value democracy, human rights, peace and stability.

Under current president Joko Widodo's administration there have been some positive changes. In November 2017 the Constitutional Court made it legal for indigenous faith groups to identify their faith on identity cards. This decision has been hailed by activists as a 'new chapter for religious freedom.' There has also been a decline in state-sponsored violations of FoRB. However, there continues to be growing religious intolerance in society, with religion a major theme in the 2019 presidential elections. The Jakarta Post published an editorial on 11 May 2019 titled "Intolerance crisis," in which it argued that: "Indonesia is in a deep crisis of intolerance."

Ongoing violations

Incidents of violence against religious minorities, particularly Christians, Ahmadiyyas, Shi'as and adherents of religions or beliefs not recognised by the state, including indigenous traditional beliefs, continue periodically within a climate of impunity. Violations and intolerance take various forms - Christian churches are closed down or attacked, Ahmadiyya Muslim mosques and homes burned, Shi'as displaced, Buddhist temples targeted and Confucianists made vulnerable, as well as pluralistic-minded Sunnis and atheists.

One of the darkest days for religious minorities in the country occurred on 13 May 2018 when three churches in Surabaya, Indonesia's second largest city, were attacked within minutes of each other by a family of suicide bombers; other churches have periodically been attacked by terrorists.

Blasphemy laws

The blasphemy laws in Indonesia have long been a cause of injustice and division, as they contain a very low threshold of requirements for evidence or proof of intent. The laws are misused for political reasons as well as religious intolerance to silence dissent, criticism or debate. The most significant example is the former governor of Jakarta, Basuki Tjahaja Purnama (known as

'Ahok'), who was sentenced to two years in prison on charges of blasphemy in 2017. In April 2020 a man from Surabaya was charged with blasphemy for altering the lyrics to a religious song.

The United Nations Special Rapporteurs on freedom of religion or belief, and freedom of opinion and expression, and the Independent Expert on the promotion of a democratic and equitable international order, recently described blasphemy laws as 'an unlawful restriction on freedom of expression' which 'disproportionately target persons belonging to religious minorities, traditional religions, non-believers, and political dissidents.'

Ahmadiyya Muslim community

The Ahmadiyya Muslim community has existed in Indonesia since 1925, and claims a population of approximately 500,000, across 330 branches throughout the country. The Ahmadiyya consider themselves to be Muslims, but are regarded by some other Muslims as heretical.

Since 2005 the community has experienced serious violations of FoRB, including incidents of violence. A Joint Ministerial Decree introduced in 2008 by the Minister of Religious Affairs, the Attorney General and the Minister of Home Affairs prohibited promulgation of Ahmadiyya teachings. In 2011 the then Minister of Religious Affairs repeatedly called for an outright ban on the Ahmadiyya, and in 2013 the governor of West Java said that there would be no violence against the Ahmadiyya if there were no Ahmadiyya teachings or practices, describing Ahmadiyya Islam as 'a deviant belief'. The 'problem', he added, 'will disappear if the belief disappears.'

Although there has been, according to Ahmadi representatives, 'some improvement' under the government of President Joko Widodo, intimidation of the Ahmadiyya continues and Ahmadiyya activities continue to be restricted to date.

Recent developments

In 2019 proposals were made for revisions to Indonesia's Criminal Code, which would include an expansion of blasphemy laws to criminalise acts such as defaming a religion, persuading someone to be a non-believer, disturbing a religious ritual or making noise near a house of worship, insulting a cleric while leading a ritual, stealing religious artefacts and damaging a house of worship. This legislation was postponed in September 2019 on the instructions of the President, following popular protests against it, but it is likely to return in due course once the worst of the COVID-19 pandemic is over and the legislature has the capacity to consider it.

In March 2020 15 Indonesians filed a lawsuit with the Supreme Court arguing that the closure of thousands of places of worship was being done under a discriminatory law, the 2006 Religious Harmony regulation.¹

Recommendations

To the government of Indonesia:

- Review existing laws and policies to ensure their compatibility with international protections for freedom of religion or belief, and to bring them in line with Indonesia's own constitution.
- Ensure that crimes against religious minorities cannot be committed with impunity, that perpetrators are arrested and investigations properly carried out, and that justice is done.
- Repeal or amend the blasphemy laws to ensure that they are not misused to settle personal scores or target religious minorities.
- Immediately review the 2008 anti-Ahmadiyya decree and work towards its repeal.
- Extend human rights education, including principles of freedom of religion or belief, in the security forces.
- Invest further in initiatives to protect and promote the principles of freedom of religion or belief and to promote interfaith harmony and dialogue.
- Invite the UN Special Rapporteur on freedom of religion or belief to visit the country with unhindered access.

¹ Twitter, Andreas Harsono @andreasharsono, 5 March 2020
<https://twitter.com/andreasharsono/status/1235707989459337216>