

Statement of The National Commission on Human Right of The Republic Of Indonesia

Thank You Madame Chairperson, for this valueable opportunity. I would like to direct to the point. In addition of all positif acheivement in implementation of The right to freedom of religion and belief, particularly among religious minority groups, that was mentioned by my collega permanent representatif of Indonesia before. Our Commission highly apresiate this commitment and achievement.

However, in current situation, concerning protection of existence and prevention of violence against minorities, Indonesia remain faces many challengges.

We have two category of problem. The first, minority within religion. The second, minority between religions. The first category related to increasing levels of harassment, intimidation and bloody attacks against groups that was alleged "misguided" from true teaching of Islam, particularly Ahmadiyya, and Shi'a. These include killing, the closure, attacks and burning by mobs of places of worship and homes, at times leading to the displacement of communities belonging to these groups. Actually, the perpetrators is small intolerant group but with minim or no protection for the minority from the police. Therefore, this kind of minority have not enjoyed protection of existence and prevention of violence. Even, respect from the state to freely select the belief they want and freely practice the worship in privat live they have not receapted yet.

They also can not freely maintain their unique religious and cultural practices and traditions. They don't have enought sphare to express and enjoy aspect of one's identity in the education enviroentment, in the workplace and in public. There was administrative restriction to the spreeding of teaching in the public area, including public lecture, public sermont, and publication. Law Number 1/PNPS/1965 and Article 156(a) of the Criminal Code concerning the prevention of religious abuse and/or defamation) forbide them to do these. There was restrictions to show their symbol, even placard in public area including in their places of whorship or in their wear, like the 2008 Joint Ministerial Decree and all other regulations that restrict the activities of the Ahmadiyya community. Indeed, they have not enjoyed equality and non-discrimination in every fields of live.

The second, about minority between religions. The most important problem is recognizing and protection of existence of local beliefs and indigenous religions. Goverment do not complitly constitute them as religion. And then, administrative regulations tend to force them to convert toward "admitted" religions. They also remain faces in-equal treatment in public services including in adminstration of sityzens matter.

The other problem is establishment of places of worship. The form of intolerance currently increas is rejection to planning of establishment of places of worship, and closing that allrady exist. This kind of intolerance effect to every

religion rely on their status of minority in certain region or district. In some region or some district for example Java, Sumatra, Sulawesi, Kalimantan Cristian, followers of Hindu, Budha, Konfusianism and indigenous religion became minority. The perpetrators is usually muslim, as the dominant societal position in this region. But in other region or other district like Bali Island and estern region of Indonesia (East Nusatenggara and Papua), places of worship of muslim being a target of intolerance because their position as minority. Therefore, effective implementation of the law -regardless of who they are- is the most important to resolve this problem.

Concerning Attacks and violence Against Religious Minorities: Our Commission recomend to the government of Indonesia to:

- (i) Conduct prompt, effective, independent and impartial investigations into all reports of intimidation, harassment and attacks against the Ahmadiyya, Shi'a, indigenous religions and other religious minorities and bring the perpetrators to justice in accordance with international fair trial standards.
- (ii) Ensure the police actively protect the rights of all citizens regardless of their religious or other beliefs and put in place a strategy for preventing and addressing incidents of religiously based violence. The police should also ensure they register and investigate all cases of religious-based violence, threats and intimidation, regardless of the religious background of the victim;
- (iii) Guarantee the safe, voluntary and dignified return of displaced minority religious communities to their homes according to their wishes;
- (iv) Denounce all incidents related to the attack against places of worship and ensure that the perpetrators are brought to justice;

Concerning Discriminatory Laws and Regulations Impacting Religious Minorities: Our Commission reccomend to the government to:

- (v) Repeal Law Number 1/PNPS/1965 and Article 156(a) of the Criminal Code concerning the prevention of religious abuse and/or defamation; and the 2008 Joint Ministerial Decree and all other regulations that restrict the activities of the Ahmadiyya community in Indonesia or otherwise violate their right to freedom of thought, conscience and religion;
- (vi) Ensure that any regulations issued at the provincial and at the district level are in compliance with human rights protections as provided in Indonesian Constitution and Indonesia's obligations under international law, in particular the Covenant;

A complite recomendation addressing the problem I will give to Organizing Commity after that.

Thank You very much.