

Joint Response to the Call for inputs: Transformative Responses to the Advocacy of Hatred Based on Freedom of Religion or Belief

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To: UN Special Rapporteur on Freedom of Religion or Belief
Office of the High Commissioner for Human Rights
United Nations Office at Geneva
1211 Geneva 10, Switzerland

Subject: Joint Response to the Call for inputs: Transformative Responses to the Advocacy of Hatred Based on Freedom of Religion or Belief

1. How, if at all, is advocacy of hatred defined in legal and policy frameworks, and how does it relate to intolerance, discrimination, and violence based on religion or belief?

Regulations regarding the prohibition of hate speech based on religion or belief in Indonesia are regulated in the Indonesian Criminal Code, Police Internal Regulation No. 6 of 2015 concerning Handling Hate Speech, (Electronic Information and Transaction (ITE) Law, Anti-Racial Discrimination Law. However, Indonesia has just amended its Criminal Code. The hate speech regulations in the previous Criminal Code still had blasphemy nuances and biased majoritarianism interpretation of the religion that can be criminalised. However, the new Criminal Code has been revised with a better perspective on anti-hate speech but will only be implemented effectively in January 2026.

Even though there are regulations regarding the prohibition of hate speech based on religion or belief, in reality the practice of intolerance based on religion or belief still continues to occur and law enforcement against this does not work as it should. It is true that there are some cases that are handled well, but it really depends

on the pressure and encouragement of the public and individual law enforcement or government authorities at the regional level itself. Central government authorities even seem to take no action in negligence or impartiality in the protection of freedom of religion or belief.

2. To what extent are forms of hatred based on religion or belief perpetuated by broader prejudicial attitudes in society? What is the evidence base for this? Where do these prejudices emanate from?

This began with administrative recognition by the state of only six (6) religions (Islam, Protestantism, Catholicism, Confucianism, Hinduism, Buddhism). This then becomes a trigger for views and attitudes that exclude religious groups other than the six religions. Apart from that, the state's specialization towards the Indonesian Ulema Council (MUI) making the fatwas issued such as "heretical" fatwas against Ahmadiyah and Shiites has influenced the views and attitudes of the public including policy makers. In fact, the MUI is actually just a community organization whose fatwas are not legally binding.

The impact of this intolerant perspective and attitude has resulted in various intolerant practices in Indonesia, including hate speech which often continues with violence and other restrictions experienced by Ahmadiyah, Shia, Shikh, Bhaai groups or religious sects/followers such as Kaharingan or Parmalim (indigenous religion/belief). Hate speech against them makes it difficult for them to access public services; make ID cards, population documents, marriage, limited access to education, cannot become civil servants, police, soldiers, their children's education is also not fulfilled properly.

As a result of this hate speech, the public has no information or misunderstands this minority group. Misinformation accompanied by hate speech is always spread by intolerant groups. Public education/understanding regarding other religions or minority groups is very low and shallow, accompanied by political interests which also influence this issue. Apart from that, there is uncertainty or doubt in the public, so they cannot prevent or anticipate the flood of hate speech on social media because it is difficult to differentiate between "negative campaigns" vs. hoaxes or hate speech. Hate speech also strengthens stereotypes, prejudice, or truth-claim attitudes in the public.

3. How are prejudicial attitudes among State actors, including law enforcement and justice operators, monitored, recognised and addressed? Please provide examples of the effectiveness, or otherwise, of such policies and practices.

The mindset of state officials, including law enforcement officials, is also problematic, tending to be biased towards majoritarianism. The mindset of members of Parliament and policy makers is still biased toward majoritarianism, including being prepared to claim the truth, thereby sidelining, denying, excluding other sects/groups. Government officials also still have prejudice against minority groups, such as Ahmadiyah. In a forum, he was once asked, "Why do government officials still seem unsure about resolving cases of discrimination and violence that befell Ahmadiyah?" to the Head of Kesbangpol West Java Province, but the answer instead referred to the Governor's Regulation regarding the Prohibition of Ahmadiyah, even though the forum at that time was discussing and disseminating the Regional Action Plan (RAD) for West Java Province regarding the Prevention of Violent Extremism. As other evidence, up to now (October 2023) there have been 45 regional regulations that discriminate (prohibit) the Ahmadiyah group in Indonesia. The case of criminalizing religious expression which includes hate speech and reporting on cases of religious harassment, both committed by non-state actors and those responded to by state actors are still occurred. Intolerance and discriminatory policies are also issues that recur every year, even in the educational environment. In the last five years, 243 cases of criminalization of religious expressions were found, which included cases of hate speech and reporting of blasphemy. These occurrences mostly happen to minority groups and communities, especially in the case of blasphemy inasmuch as the regulations that exercise control over these issues are often misinterpreted. Aside from multi-interpretative regulations, this blasphemy article is also problematic because it will only be reactive and acted upon according to public pressure/coercion.

4. What are some of the instances and effects of the advocacy of hatred based on religion or belief:

(a) For adherents to various religions and beliefs, individually and collectively;

Some instances and effects of the advocacy of hatred based on religion or belief to various religions and beliefs include: (1) Discrimination and exclusion: Adherents

to certain religions or beliefs may experience discrimination or exclusion from society, such as being denied access to education, employment, or basic services. (2) Violence and persecution: Hate speech can fuel violence and persecution against individuals or groups based on their religion or belief, leading to attacks, or harassment. (3) Polarization and division: Advocacy of hatred can create division and polarization between different religious or belief groups, leading to a breakdown in social cohesion and increased tension between communities. (4) Intolerance and prejudice: Hate speech can promote intolerance and prejudice towards different religious or belief systems, leading to the spread of misinformation and the perpetuation of negative stereotypes. (5) Psychological harm: The advocacy of hatred based on religion or belief can also have profound psychological effects on individuals, leading to feelings of fear, anxiety, and isolation.

(b) Within religious and belief communities;

The discrimination and exclusion against certain groups within the community based on their religious or belief affiliations can be increased. This also can increase tensions and conflicts arising between different religious or belief groups, leading to violence and hostility. The radicalization of individuals and groups can have dangerous consequences for society as a whole. This also can impact to limiting the free expression and beliefs of individuals and groups, leading to censorship and oppression.

(c) In day-to-day violations or as embedded as drivers of marginalisation and violence; *Marginalization occurs continuously against religious or belief minority groups even though there is little progress. Since the existence of a Joint Regulation of the Minister of Religion and the Minister of Home Affairs No. 9 of 2006 and No. 8 of 2006, the minority groups cannot build their place of worship freely.*

(d) As crystallised into systemic and structural disadvantage against some target groups;

Indonesia recognizes six official religions: Islam, Protestantism, Roman Catholicism, Hinduism, Buddhism, and Confucianism. The state also guarantees freedom of religion or belief, and the 1945 Constitution provides for the protection of

religious minorities. However, instances of discrimination and intolerance towards minority religious groups have been reported, and there have been cases of violent attacks carried out against religious minorities. The Indonesian government has taken measures to address these issues, including the establishment of a Ministry of Religious Affairs and initiatives to promote interfaith dialogue and religious tolerance. However there are still numerous regulations at the national and regional level in Indonesia that contradict human rights principles, especially regional regulations that have certain religious nuances contrary to the norms of freedom of religion and belief guaranteed in the Constitution. There were at least 421 regulations at the regional level that were discriminatory in nature. At least 151 of these regulations have the nuances of a certain religion, such as those of Islam, Christianity, or Hinduism—depending on the prominent religion within the region—which also blatantly ignore religious traditions and teachings or local norms.

5. How does hatred based on religion or belief overlap with other grounds of discrimination? How does it complicate the challenge and required responses?

Hate speech is the basis for every act of discrimination or violence with a religious background. In Indonesia, public sees a lot of misinformation accompanied by issues of ethnicity/social/economic inequality/immigrants vs. natives/feeling inferior and marginalized, making the situation even worse. Hate speech based on religion or belief often overlaps with other grounds of discrimination, such as race, ethnicity, gender, sexual orientation, and socioeconomic status. For example in Indonesia, a Muslim student woman who doesn't wear a hijab may experience discrimination and be denied in the public school. The overlap of discrimination makes the challenge of addressing and combatting it more complex. Responses to discrimination based on religion or belief, therefore, must also address the connections to other forms of discrimination.

6. Are there particular times (e.g. religious festivals, election cycles, or times of heightened public anxiety such as terrorist attacks or economic recession); or particular actors (e.g. political, religious, social influencers); or particular forms (online, offline,

films and theatre, school curricula); or particular objects and symbols - associated with manifestations of such hatred?

- *National/ regional Elections are often used as momentum for discriminatory and hateful campaigns against minority groups, not only to garner voting support but also in practice directly discriminating or excluding those who are not in line with their political agenda.*
- *Global issues related to religion such as the Palestine vs Israel conflict have also sparked and influenced the condition of inter-religious relations in Indonesia, especially between Muslims and Christians who are associated with the two conflicting groups in the Israeli-Palestinian conflict.*
- *Fabrication of hate politics that uses religion/beliefs to worsen the situation in relations between religious communities in Indonesia.*

7. How is hatred based on religion or belief countered at different levels, by State actors alone or in partnership with other actors, and to what effect? Have these resulted in prohibitions on expression and, if so, please detail how these measures are consistent with upholding international human rights obligations?

In Indonesia, there are several ways to combat hate crimes motivated by religion or belief. These include government-led initiatives as well as joint efforts with civil society groups, religious authorities, and the global community. Some of the actions include:

1. *Legal Framework: The Indonesian government has put in place various legal frameworks aimed at preventing and countering hate speech, including the Law No. 1 of 2023 on Penal Code, Law No. 11 of 2008 on Electronic Information and Transactions, Law No. 16 of 2017 on Societal Organizations, and Law No. 40 of 2008 on Anti Racial and Ethnic Discrimination. Besides that, there is Police Circular Lteer No. 6 of 2015 about countering Hate Speech. These regulations aim to provide a legal basis for prohibiting and punishing hate speech and extremist ideologies.*
2. *Partnership with Civil Society: The Indonesian government has partnered with civil society organizations and religious leaders to promote tolerance and prevent hate speech and extremism. These partnerships include the establishment of joint task forces and campaigns that promote interfaith dialogues and tolerance.*

Moreover, Imparsial also have cooperation with Police Head quarter since 2019 to give training to the police personals in countering hate speech accordance to the human rights principles.

These actions have led to restrictions on expression, including that which may be incompatible with human rights standards and that which incites violence or hatred. The Indonesian government's actions, nevertheless, should be in line with respecting its commitments under international human rights treaties, particularly the right to freedom of expression, which includes the right to voice thoughts, opinions, and ideas that diverge from others' without fear of reprisal or persecution—so long as they don't encourage violence or discrimination.

8. Is there a role for religious and belief actors in countering advocacy to hatred based on religion or belief? Can you share some concrete examples?

In a country where the majority of the population practices Islam, the role of religious and belief actors is very crucial in countering to hatred based on religion or belief.

1. *Promoting Interfaith Tolerance: Religious and belief actors can promote interfaith tolerance by organizing dialogues and participating in joint efforts aimed at promoting mutual respect and understanding among different religions and beliefs. It has been many forums of multi stakeholders initiated by religious leader and civil society organisation; like NU (Nahdlatul Ulama) and Muhammadiyah collaboration event with CSOs in promoting interfaith dialogue.*
2. *Providing Education: Religious and belief actors can provide education and public awareness campaigns aimed at preventing religious extremism and advocating for peace and tolerance. In many occasion they keep remind public to the danger of hate speech and hate crime to the nation. This action also aims to fostering social cohesion by identifying and addressing the root causes of intolerance and extremism. The religious leaders often also make “declaration against hate speech”.*

9. How are hatred, intolerance and discrimination based on religion or belief monitored – including with data – and how is this evidence base used to counter the negative effects that result? To what extent is this data used as a basis for policy design and implementation?

The Indonesian Ministry of Communication and Information and Police has a big role in handling hate speech in Indonesia. Some of the efforts made by the the Indonesian Ministry of Communication and Information and Police are:

- 1. Establishment of a special task force or team between the Indonesian Ministry of Communication and Information and Police that focuses on monitoring content containing hate speech on social media and the internet. This data then used in three ways; (1) provide education to the public about good and correct use of the internet, including regarding the impact of hate speech which can cause disharmony in society. (2) for take down or blocking the content and account that provide hate speech and or hate crime). (3) for law enforcement by the police cyber division.*
 - 2. Collaboration and coordination with other relevant stakeholders, such as the State Intelligence Agency and Ministry of Law and Human Rights, in dealing with cases of hate speech that occur on social media and the internet.*
10. Provide details of legislative initiatives and case law, public policies, programmes, and projects aimed at countering hatred, intolerance and discrimination – including through positive initiatives towards managing religious and belief diversity – to ensure social inclusion and respect for the rights of all. Examples may include education, media, mediation, and interfaith dialogue, and civil society initiatives.
- Recognition of religious groups by the Constitutional Court decision means that local believers can now access population administration services, educational marriage registration and other services. However, in practice this still encounters various obstacles due to the biased understanding of government officials themselves regarding religion or local beliefs, including the decision of the Constitutional Court which has not been properly socialized to all state civil servants.*

- *Minister of Education and Culture Regulation Number 46 of 2023 concerning prevention and handling of violence, intolerance and sexual violence in educational environments.*
- *Presidential Regulation Number 58 of 2023 concerning strengthening religious moderation*
- *National Police Chief circular number 6 of 2015 concerning handling hate speech in public.*
- *Minister of Religion circular number 9 of 2023 concerning guidelines for religious lectures, which prohibits lecture content that contains hatred, provocations of intolerance, discrimination.*

11. What efforts are underway to understand the structural and systematic basis of hatred, and how to transform those structures, in order to eliminate the roots of the cancer of hate? Where possible, please provide details of those mandated to carry out these efforts and how they have engaged with groups who are the targets of such advocacy of hatred.

- *Ministry of Home Affairs: through the directorate of politics and general government, strengthening national character and insight which includes the paradigm of diversity and the state ideology Pancasila*
- *Ministry of Religion: conducting tolerance education with the Center for Religious Harmony (PKUB) at the central level, and the Forum for Religious Harmony (FKUB) at regional and regional levels, conducting interfaith dialogue*
- *Ministry of Education with the Independent Curriculum which will begin to be implemented in 2023 in elementary to middle schools and a program to eliminate the 3 major educational problems (bullying, sexual violence, intolerance)*
- *Civil society networking work that advocates for the fulfillment of the rights of minority religious/belief groups and public campaigns against discrimination and violence against minority religious/belief groups*

12. What efforts are underway to support targets of hatred, intolerance and discrimination based on religion or belief? Where possible, please provide details of the institutions, mechanisms and actors mandated to respond to the advocacy of hatred, along with budgets and performance indicators.

Currently, efforts to support victims of hate, intolerance or discrimination based on religion or belief are only by anticipating attacks against them by continuing to campaign against hate speech based on religion or belief. Apart from that, if an attack occurs against them, litigation and non-litigation assistance efforts will be made. Currently there is no program with a special budget that targets victims of hate speech based on religion or belief. IMPARSIAL itself, through the JISRA program, only carries out training to increase their capacity in advocacy and campaigns to strengthen tolerance in society.

13. Please provide information on the extent to which existing UN tools to counter hatred are used by the various stakeholders with a mandate to uphold human rights.

- 1. A periodic reporting mechanism through universal periodic review (UPR) has been implemented by Imparsial together with other members of the JISRA consortium at the end of 2022 or the 4th cycle of the Indonesian UPR. This was also done in the previous UPR cycles for Indonesia, namely in 2017, 2012 and 2008.*
- 2. Reporting cases or incidents of violations of freedom of religion or belief to the OHCHR both in Geneva, the Regional office and the Jakarta office.*

14. What efforts are underway, or needed in your view, to ensure that ALL laws, policies, initiatives and efforts in this arena are rooted in an inclusive understanding of freedom of religion or belief for all and do not have a chilling effect on the full enjoyment of this right?

- 1. Revision of rules/regulations that are still discriminatory against religious or belief minority groups, including joint ministerial regulations regarding the establishment of places of worship which are still discriminatory, or joint ministerial decrees regarding the Ahmadiyah group in Indonesia which are also still discriminatory, as well as various other regulations either at the national and regional levels that limit freedom of religion or belief in Indonesia.*
- 2. Providing understanding or education to the community about the importance of respecting differences, tolerance and freedom of religion or belief. This includes increasing public understanding regarding religious or belief minority groups so that there is no public misunderstanding regarding these religious or belief minority groups.*

3. *Strengthen the capacity of religious or belief minority groups so they can advocate and create campaigns to strengthen tolerance in Indonesia.*

15. Provide details where possible of civil society-led initiatives of the same.

Civil society groups, especially who works under JISRA consortium currently have several agendas to strengthen tolerance between religions or beliefs:

1. *Strengthening tolerance within religion (intra-religious) towards differences in religious interpretation or understanding in Indonesia. This is actually a challenge that is still quite serious in Indonesia considering that often differences in understanding or interpretation trigger religious conflicts at a more serious level.*
2. *Strengthening inter-religious tolerance in society by increasing the number of forums for encounter which it is hoped will be able to eliminate prejudice and prejudice which previously was the dominant factor in intolerant attitudes in Indonesia.*
3. *Strengthening advocacy for policy makers who are often the perpetrators of restrictions or violators of freedom of religion or belief themselves.*

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