

THE TANDEM PROJECT

<http://www.tandemproject.com>.

UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

INDONESIA

FREEDOM OF RELIGION OR BELIEF AND OTHER REPORTS IN THE UNIVERSAL PERIODIC REVIEW

First Session U.N. Human Rights Council Universal Periodic Review (7-18 April, 2008)

A. Description of the methodology and the broad consultation process for the preparation of information provided under the Universal Periodic Review:

The Tandem Project, a *UN NGO in Special Consultative Status with the Economic and Social Council of the United Nations*, submits information for the Universal Periodic Review on issues related to Article 18 of the International Covenant on Civil and Political Rights, and the 1981 UN Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief.

The US State Department 2007 Religious Freedom Report is the source of this information. There are excerpts to comply with the five page limit for NGO Submissions under General Guidelines for the Universal Periodic Review and a link to the complete report.*

The Universal Periodic Review is a process beginning with presentation of a National Report by a UN Member State and inter-active dialogue with the UN Human Rights Council. A troika of Human Rights Council Members then drafts a Working Group Report on the outcome of the Universal Periodic Review. There is a link to the UN Working Group Report. Other Reports are linked to an archived audio/visual UN web cast of the Member State presentation of the National Report and inter-active dialogue with the Human Rights Council.

B. Background of the country under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: constitution, legislation, policy measures, national jurisprudence, human rights infrastructure including national human rights institutions and scope of international obligations identified in the “basis of review” in resolution 5/1, annex: section 1.A.

1. The Right to Freedom of Religion or Belief

Religious Demography:

An archipelago of more than 17,000 islands, the country has an area of 700,000 million square miles and a population of 245 million.

According to the 2000 census report, 88.2 percent of the population described themselves as Muslim, 5.9 percent Protestant, 3.1 percent Roman Catholic, 1.8 percent Hindu, 0.8 percent Buddhist, and 0.2 percent "other," including traditional indigenous religions, other Christian groups, and Jewish. Some Christians, Hindus, and members of other minority religious groups argued that the census undercounted non-Muslims. The Government does not recognize atheism.

Legal/Policy Framework:

The Constitution provides for the freedom of religion, and the Government generally respected this right in practice. The Constitution accords "all persons the right to worship according to their own religion or belief " and states that "the nation is based upon belief in one supreme God." The first tenet of the country's national ideology, Pancasila, declares belief in one God. However, some restrictions exist on certain types of religious activity and on unrecognized religions. Government employees must swear allegiance to the nation and to the Pancasila ideology. The Government sometimes tolerated extremist groups that used violence and intimidation against religious groups, and often failed to punish perpetrators. The Government did not use its authority to review or revoke local laws that violated freedom of religion.

The Ministry of Religious Affairs extends official status to six faiths: Islam, Catholicism, Protestantism, Buddhism, Hinduism, and, as of January 2006, Confucianism. Atheism is not recognized. Religious organizations other than the six recognized religions can register with the Ministry for Culture and Tourism only as social organizations, restricting certain religious activities. Unregistered religious groups do not have the right to establish a house of worship and have administrative difficulties obtaining identity cards and registering marriages and births.

C. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the "basis of review" in resolution 5/1, annex, section IA, national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms.

1. The Right to Freedom of Religion or Belief

Restrictions on Religious Freedom:

Government policy and practice contributed to the generally free practice of religion. However, certain policies, laws, and official actions restricted religious freedom, and the Government sometimes tolerated discrimination against and abuse of individuals based on their religious belief by private actors. There were no reports of religious prisoners or detainees in the country.

The Government requires all adult citizens to carry a National Identity Card (KTP) which, among other things, identifies the holder's religion. Members of religions not recognized by the Government are generally unable to obtain KTPs unless they incorrectly identify themselves as belonging to a recognized religion. During the reporting period, human rights groups continued to receive sporadic reports of local Civil Registry officials who rejected applications submitted by members of unrecognized or minority religions. Others accepted applications, but issued KTPs that inaccurately reflected the applicants' religion. Some animists received KTPs that listed their religion as Islam. Many Sikhs registered as Hindu on their KTPs and marriage certificates because the Government did not officially recognize their religion. Some citizens without a KTP had difficulty finding work. Several nongovernmental organizations and religious advocacy groups continued to urge the Government to delete the religion category from KTPs.

The civil registration system restricts the religious freedom of persons who do not belong to the six recognized faiths; animists, Baha'is, and members of other small minority faiths found it difficult to register marriages or births, notwithstanding the June 2007 regulation pertaining to marriage and civil administration. In practice, couples prevented from registering their marriage or the birth of a child in accordance with their faiths converted to one of the recognized faiths or misrepresented themselves as belonging to one of the six. Those who chose not to register their

marriages or births risked future difficulties: a child without a birth certificate cannot enroll in school and may not qualify for scholarships. Individuals without birth certificates do not qualify for government jobs.

Societal Abuses/Discrimination:

During the reporting period, there were reports of societal abuses or discrimination based on religious belief or practice.

* Source: US State Department 2007 International Religious Freedom Report; Indonesia

Direct Link: <http://www.state.gov/g/drl/rls/irf/2007/90137.htm>

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G. Presentation by the State concerned of the follow-up to the previous review.

Direct Link: Report of the Working Group for the Universal Periodic Review Indonesia. This report includes Conclusions and Recommendations.

http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/ID/A_HRC_8_23_Indonesia_E.pdf

Direct Link: U.N. Human Rights Council Web Cast Archives for all Indonesia Reports. Download Real Player (free) for access to the Web Cast: **Scroll** half way down the Web Cast to find the Indonesia Reports. Click to open the video/audio and inter-active delegation dialogue.

<http://www.un.org/webcast/unhrc/archive.asp?go=080409>

These reports may activate and be read by opening the Direct Link to the OHCHR Archives above:

INDONESIA

Only contributions submitted in one of the United Nations official languages are admissible and posted on this webpage

Date of consideration: Wednesday 9 April 2008 - 9.00 a.m. - 12.00 p.m.

National report ¹: [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Compilation of UN information ²: [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Summary of stakeholders' information ³: [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)



Outcome of the review :
Report of the Working group : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)
Addendum 1 : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)
Addendum 2 : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

THE TANDEM PROJECT OBJECTIVES

These Tandem Project Objectives are on Dialogue and Education: (1) Use International Human Rights Standards on Freedom of Religion or Belief as a universal platform for inclusive, in-depth dialogue within and among nations, all religions and other beliefs. (2) Adapt these human rights standards to early childhood education, teaching children, from the very beginning, that their own religion is one out of many and that it is a personal choice for everyone to adhere to the religion or belief by which he or she feels most inspired, or to adhere to no religion or belief at all.¹

Multi-cultural perspectives, lack of understanding and opposition to international human rights on freedom of religion or belief make the achievement of these objectives a challenge. Human rights standards on freedom of religion or belief are international law and essential as codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. They are universal, inalienable, interdependent and indivisible with other human rights.

International Human Rights Standards on Freedom of Religion or Belief and the identification of achievements, best practices, challenges and constraints on them, should be part of the follow-up to the Indonesia Universal Periodic Review.

STANDARDS: http://www.tandemproject.com/program/81_dec.htm

The Tandem Project: a non-governmental organization founded in 1986 to build understanding, tolerance and respect for diversity, and to prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project, a non-profit NGO, has sponsored multiple conferences, curricula, reference materials and programs on Article 18 of the International Covenant on Civil and Political Rights – Everyone shall have the right to freedom of thought, conscience and religion - and 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

The Tandem Project initiative is the result of a co-founder representing the World Federation of United Nations Associations at the United Nations Geneva Seminar, *Encouragement of Understanding, Tolerance and Respect in Matters Relating to Freedom of Religion or Belief*, called by the UN Secretariat in 1984 on ways to implement the 1981 UN Declaration. In 1986, The Tandem Project organized the first NGO International Conference on the 1981 UN Declaration.

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*The Tandem Project is a UN NGO in Special Consultative Status with the
Economic and Social Council of the United Nations*

Closing the Gap – International Standards for National and Local Applications, considers the question of a Convention on Freedom of Religion or Belief followed by a Response from the Special Rapporteur on Freedom of Religion or Belief and The Tandem Project Concept, an option that reflects the inclusive values of the Universal Declaration of Human Rights through human rights-based *Dialogue and Education*.

Closing the Gap - International Standards for National and Local Applications

Objective: Build understanding and support for Article 18, International Covenant on Civil and Political Rights –Everyone shall have the right to freedom of thought, conscience and religion - and the 1981 UN

Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Encourage the United Nations, Governments, Religions or Beliefs, Academia, NGOs, Media and Civil Society to consider the rule of law and international human rights standards as essential for *long-term solutions* to conflicts based on religion or belief.

Challenge: In 1968 the United Nations deferred work on an International Convention on the Elimination of all Forms of Religious Intolerance, because of its apparent complexity and sensitivity. In the twenty-first century, a dramatic increase of intolerance and discrimination on grounds of religion or belief is motivating a worldwide search to find solutions to these problems. This is a challenge calling for enhanced dialogue by States and others; including consideration of an International Convention on Freedom of Religion or Belief for protection of and accountability by all religions or beliefs. The tensions in today's world inspire a question such as:

Should the United Nations adopt an International Convention on Freedom of Religion or Belief?

Response: Is it the appropriate moment to reinitiate the drafting of a legally binding international convention on freedom of religion or belief? Law making of this nature requires a minimum consensus and an environment that appeals to reason rather than emotions. At the same time we are on a learning curve as the various dimensions of the Declaration are being explored. Many academics have produced voluminous books on these questions but more ground has to be prepared before setting up of a UN working group on drafting a convention. In my opinion, we should not try to rush the elaboration of a Convention on Freedom of Religion or Belief, especially not in times of high tensions and unpreparedness. - *UN Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, Prague 25 Year Anniversary Commemoration of the 1981 UN Declaration, 25 November 2006.*

Option: After forty years this may be the time, however complex and sensitive, for the United Nations Human Rights Council to appoint an Open-ended Working Group to draft a United Nations Convention on Freedom of Religion or Belief. The mandate for an Open-ended Working Group ought to assure nothing in a draft Convention will be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Concept: *Separation of Religion or Belief and State – SOROBAS.* The First Preamble to the 1948 United Nations Universal Declaration of Human Rights; “*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.* This concept suggests States recalling their history, culture and constitution adopt fair and equal human rights protection for all religions or beliefs as described in General Comment 22 on Article 18, International Covenant on Civil and Political Rights, UN Human Rights Committee, 20 July 1993 (CCPR/C/21/Rev.1/Add.4):

Article 18: protects *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.* The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with international characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reasons, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community. **Article 18:** permits restrictions to manifest a religion or belief only if such limitations are prescribed by law and necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Dialogue & Education

Dialogue: United Nations Secretary General Ban Ki Moon, at the Alliance of Civilizations Madrid Forum said; “Never in our lifetime has there been a more desperate need for constructive and committed dialogue, among individuals, among communities, among cultures, among and between nations.” A writer in another setting has said, “The warning signs are clear: unless we establish genuine dialogue within and among all

kinds of belief, ranging from religious fundamentalism to secular dogmatism, the conflicts of the future will probably be even more deadly.”

Norms and standards on human rights and freedom of religion or belief are international law and essential codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. International Standards on Human Rights and Freedom of Religion or Belief is a universal platform for inclusive and in-depth dialogue within and among nations, all religions and other beliefs. They are universal, inalienable, interdependent and indivisible with other human rights.

Education: Ambassador Piet de Klerk addressing the Prague 25 Year Anniversary Commemoration of the 1981 U.N. Declaration said; “Our educational systems need to provide children with a broad orientation: from the very beginning, children should be taught that their own religion is one out of many and that it is a personal choice for everyone to adhere to the religion or belief by which he or she feels most inspired, or to adhere to no religion or belief at all.”¹.

The 1981 U.N. Declaration states; “Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents, the best interests of the child being the guiding principle.” With International Human Rights safeguards, early childhood education is the best time to begin to teach tolerance, understanding and respect for freedom of religion or belief.