Komnas Perempuan Special Report on Violence and Discrimination against Women in the Context of Violation of the Constitutional Rights to Freedom of Religion/Beliefs

Experiences and Struggles of Women of Minority Religions Facing Violence and Discrimination in the Name of Religion

Jakarta, 22 December 2014

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EXECUTIVE SUMMARY

This report was compiled by the Komnas Perempuan Special Rapporteur on Violence and Discrimination against Women in the Context of Violation of Constitutional Rights to Freedom of Religion/Beliefs. The Special Rapporteur is an independent monitoring mechanism formed by Komnas Perempuan in the framework of implementing its mandate as the national mechanism on human rights focussed on the elimination of all forms of violence against women. This report is based on the monitoring results of the Special Rapporteur and her team in 40 cities/regencies in 12 provinces from June 2012 to June 2013. The monitoring was done through interviews and focus group discussion with 407 sources, consisting of 301 women and 106 men from various backgrounds, including 326 victims and members of the victim community; 48 state officials, nine victims of intolerance, and 24 members of community organisations around the location of the monitoring. The main cases raised in this report are the cases of Ahmadis, GKI Yasmin, HKBP Cikeuting and HKBP Filadelfia, Shia, Baha'i, other Islamic communities that have had difficulties in building mosques, as well as various other cases such as forced closures of churches and temples.

The results of the monitoring show that women's vulnerability to violence and discrimination increases when they are part of a minority religion in situations of intolerance. Like the male members of the community, they experience attacks and intimidation which puts them in positions where they face physical, psychological, sexual, and economic violence. However, women also face different forms and impacts of violence due to their sex and gender. Their position in the family and community also changes their experience of violence and discrimination in the context of intolerance and violation of the constitutional right to freedom of religion.

As recorded in this document, all women of minority religions are vulnerable to becoming victims of physical violence when attacks occur, particularly having things thrown at them or being pushed. Women leaders of vulnerable communities are targeted for physical maltreatment; for example, a woman minister reported the beating she experienced when she went to help a church leader who was the victim of a stabbing. Also, they become the targets of subjugation, for example being forced to sign agreements with intolerant groups to stop worshipping together, either in the disputed place of worship or in members' homes. Women also experienced impoverishment as a result of extortion, looting and seizure of sources of livelihood that occur together with these intolerant acts. The Special Rapporteur noted a Baha'i woman who was sacked from her job as a teacher and another woman whose business was always disturbed because of the beliefs that she followed. Also, five Ahmadis women were transferred because of their beliefs. Shia and Ahmadis women displaced from their homes lost access to their entire assets and property rights in their hometown.

Due to their gender and position as symbols of purity and objects to be protected within the community, women are vulnerable to sexual violence in the form of threatened rape and sexual harassment. The Special Rapporteur underlined the particular vulnerability to sexual violence faced by women who flee their homes and live in temporary housing, especially women with disabilities.

In their position as wives, women of minority religions also face domestic violence when they are threatened by divorce or polygamy because they do not want to change their beliefs in line with that of their husband or their husband's family. As a result of attacks or criminalisation, women in their position as wives become the main bread winner or even the sole bread winner for the family.

In addition to violence, Ahmadis and Baha'i women are faced with layered discrimination. They do not have the same rights as citizens before the law and government, particularly in the form of difficulty obtaining an identity card and registering marriage. Although this is also experienced by men, the impact is different for women compared with men. Even more-so when they are displaced from their homes. The lack of ID makes it difficult for women to access health services, particularly for reproductive health. Women also have to face the stigma of being "immoral women" and loss of protection of the law in marriage as a result of their marriage not being recognised. Baha'i women continue to face this discriminatory situation even though there was a Presidential Decree in 2000 that affirmed their position as a religion in itself and obliged the state to protect it.

The experience as a whole of violence and discrimination in the context of intolerance causes women to lose their sense of safety. Amidst the trauma and sense of fear of another attack, many women victims of intolerance voice their concerns regarding the education and safety of their children, disturbed family relations and torn social relationships. This cannot be separated from the influence of social ideas regarding standard roles for women as mothers who are asked to take on the main responsibility in bringing up children and taking care of the family and environment. The sense of safety is further rocked by the position of state officials and law enforcement agencies who are often seen to be affirming religious-based discrimination and intolerance by helping close places of worship, and responding inadequately to violence with the excuse of lack of personnel, an approach to safety that puts pressure on minority groups to go along with the wants of intolerant groups, and criminalisation on the basis of a person's belief. Furthermore, the state actively perpetuates religious based discrimination through policies at the national and local level in judging beliefs and restricting space for building places of worship. The state's attitude, which tends to side with intolerant groups, is also evident in the matter of handling displaced people, requiring victims to change their beliefs if they want to return home, access their property rights there, and to have a guarantee of safety.

In this situation and by using the framework of constitutional rights, that is, the rights of citizens guaranteed in the 1945 Republic of Indonesia Constitution, the Special Rapporteur found that there were at least 30 constitutional rights violated. The right to freedom of religion and belief is regulated in separate article number six which shows how serious the state's commitment is; however, in practice the right exists only on paper. From violations of the right to freedom of religion, various other rights are also denied to women of minority religions, including the right to legal protection, freedom from discrimination, the right to a sense of safety and the right to a decent life for humanity.

In the midst of this issue, women victims continue to show a proactive attitude in arranging their lives and ensuring the continuation of family life. This attitude is seen in their persistence in looking for income, building a mutually affirming space in their community, equipping their children to respond in emergency situations, never ceasing to try to reduce their children's hate for other communities and state officials, as well as striving towards the possibility of inter-faith meetings in order that a sense of togetherness can be re-woven. One of the efforts that ought to be appreciated is the solidarity of children who care about upholding the rule of law.

Based on the victims' reports, the Special Rapporteur formulated 24 recommendation points, directed at the central and regional government, state officials, and also law enforcers, as well as components of the community. The key recommendations were:

1. The President, as head of the state and head of the government quickly and firmly address the issue of intolerance in such ways that include:
   1.1. Order the head of the region to obey the law, including by ensuring the guarantee of safety for the 2014 Christmas service and establish a place of worship for GKI Yasmin and HKBP Filadelfia in their respective locations;
   1.2. Order Regional Heads and the Minister of Religious Affairs to facilitate the repair of places of worship damaged or forcibly closed, and provide a location of worship for minority religious communities who cannot yet fulfil the requirements for the establishment of a place of worship;
   1.3. Order the return of victims of religious intolerance to their homes, both for the Ahmadis and Shia people, with guaranteed security;
   1.4. Order comprehensive handling for victims of intolerance, with special attention to the vulnerability of women and children in line with the Act on Handling Social Conflict.

2. The President and the Republic of Indonesia Parliament immediately make substantive changes to increasing the guarantee of freedom of religion/beliefs, including;
   2.1. Immediately implement Constitutional Court decision for amending Act No. 1/PNPS/1965 in the interests of preventing acts of religious intolerance and intrinsically guaranteeing the freedom of religion;

2.2. Ensuring there are no inconsistencies between laws and policies in order that they are in line with the constitution and covenants that have been ratified.
2.3. Forming sanction mechanisms for regional heads who do not carry out court decisions on the establishment of places of worship.

3. The President as head of government order the related ministries to:
3.1. Revoke the Joint Decree from the Ministry of Religious Affairs, the Ministry of Internal Affairs and the Attorney General on the Ban on Ahmadiyya Proselytising.
3.2. Amend the Joint Regulation of the Ministry of Religious Affairs and the Ministry of Internal Affairs No. 08 and No.09 / 2006 to facilitate the building of places of worship.
3.3. Use the authority of the Ministry of Internal Affairs to revoke the regional regulation on religion because it conflicts with Act No. 23 / 2014 on Regional Government.
3.4. Review and give a warning to the Indonesia Council of Clerics in their role of developing religious harmony.
3.5. Encourage the leadership of various groups that uphold a democratic and inclusive attitude of tolerance in the community to prevent an intolerant understanding of religion from manifesting in brutal and destructive acts of violence.

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FOREWARD

This monitoring report, now in the hands of readers; loyal citizens from state institutions, religious figures, human rights defenders, members of religious communities, survivors, academics and members of the public, was intentionally launched to coincide with Mother's Day 2014. We shall reinterpret more carefully the meaning of this day, 22 December, where the initiators of this first women's congress were religious-based women's groups. Nearly a century ago women made an important stance on unity in diversity. Our people were able to bring about independence by overcoming their primordial egos. Throughout the history of Indonesia we have faced tensions in the degree of moderation and dealing with this religious diversity, such as the deeply scarring 1965 incident which forced people to adhere to formal religions and mask their identity in order to stay alive. People have been endlessly forced to enter religious places that aren't their faith or religion. Then in the New Order when everything changed, what we faced was in fact democracy as a place of hibernation, politicisation of religion to grab political victory, and anarchism that hijacked religion, still unimpeded because of the state's indecisiveness.

The worst years for religious diversity were between 2010-2013. Post *reformasi*, we remember there were attacks against Ahmadiyya, Shia, Baha'i, Yasmin, Filadefia, Cikeuting and many others. Forced closure of places of worship, protests against women religious leaders different from the majority, killings of religious leaders thought to be misguided, and other incidents impossible to mention individually. For this reason, Komnas Perempuan states the public's stance: Oppose all forms of vandalism committed in the name of God which have increased in prevalence over the past five years.

In 2011 Komnas Perempuan pioneered the establishment of a special reporting team, with the plenary inviting Mrs Shinta Nuriyah to be one of the reporters on religious freedom. In the human rights traditions of the UN, in both regional and national mechanisms, the Special Rapporteur's role is to monitor, gather and convey findings with the principle of independence, acting as an external set of eyes in giving recommendations to the nation. In addition to the report from the Special Rapporteur, Komnas Perempuan also recorded important notes to accompany the constitutional responses and stances to the findings of the media and public record, victims reports that were made and covered by Komnas Perempuan, discussions and accompanied the Special Rapporteur on Freedom and Religion/Beliefs and followed the regional and international dynamics.

Komnas Perempuan places great importance on the monitoring of women and religious freedom, because a number of these topics are still not covered in reports, studies or writings on religious freedom. Women's experiences are still not taken into account in the issue of religious

freedom. Women's experiences as victims of intolerance are often missed when calculating the impact of religious-based violence.

Early findings from a number of Komnas Permepuan reports is that in various cases of religious based tension, women religious figures are the targets of attack. Women become victims of sexual violence, both verbal, physical and the threat of rape. Their basic human rights are also revoked because of the difficulty in registering marriage, such that children of religious groups not recognised by the community and the state sees them as equivalent to children born of rape or even out of wedlock, and only have their mother's name is recorded. At the same time it is not only the women who are victims but also the children who have had their identity taken from them.

As parents, women have to sustain the means of livelihood and ensure there is sufficient food, even in unsafe and threatening situations. Even working in the fields is impossible because sharp knives and other instruments have been taken away for reasons of security. Assets in the form of property and houses that were left behind when they fled, are as good as stolen because the women cannot access them again.

In social life women are often mediators and maintainers of harmony in the surrounding environment so that there is safety from unknown people who provoke unrest. Women also allegedly reject fundamentalism among leaders because they are not keen to be mobilized for demonstrations or attacks against other places of worship. In attacks on a number of places of worship politicians often used women or placed women in the midst of anarchic crowds which endangered their lives. In the domestic sphere women also had to calm children who had faced trauma and felt tension after seeing people wearing robes or feeling afraid with the words, *"Allah Akbar"* because at the time of attacks this sentence is often used by those hijacking religion to attack.

Women also have to overcome the screening that the children learn to do of guests who are not of the same religion, because the children learn that to hate other religions is allowed by the state. Women are also accused as being the source of religious conflict in the context of the family. Women's rights to read and study religious texts are also taken from them because religious leaders are detained. These women feel that studying the texts is a way to channel spiritual expression to accumulate wisdom for the next life. Women are also anxious about how to answer children's questions on why they have to love God when they are forced to worship in the dirty streets that smell like rubbish, and why they have to move from one house to the next.

Women also complain that they are forced to associate with the core religion that is professed. What kind of teachings will be taught to their children? Persecution also means that women are

divorced or left by their husbands because the husbands are unprepared to face the stress. At this stage it is women who maintain faith and guard the religious community who are at the end of their tether.

Women in the fundamentalist group do not live trouble-free either. They are victims of violence and polygamy, short term or unregistered marriage which robs them of their rights. In anti-terrorism raids the wives even become alternative targets when the husbands cannot be found and some are even imprisoned.

This intolerance of pluralism comes at a great cost to the nation, the narrow perspective reducing the sense of security in the community. This is caused by the state's often slow response in preventing and protecting the people. Komnas Perempuan as a state institution has a role in monitoring vulnerable groups that are not protected by the state, as a corrective mechanism to encourage protection and prevention mechanisms, and encourage an environment where the public also play an important role in the prevention and handling of cases of violence against women. The efforts made by Komnas Perempuan to ensure freedom of religion are:

- *Firstly*, create a 'window' in by monitoring the situation, looking at the issues and gathering data that can be used to shape the policy and stance of the state.

- *Second*, make intensive efforts to shape public attitude because current policy makers are not only the state but also non-state actors, the public, religious institutions, and even those using thuggery in the name of religion. There are all important to understand in a human rights based approach.

- *Three*, encourage dialogue. Urge the state, including the president, police and other services, relevant ministries, regional heads and their staff to respond quickly, appropriately and firmly to prevent and protect.

- *Fourth*, utilise the rights embodied in the constitution; there are 40 rights included as part of the constitution.

- *Fifth*, encourage impartiality in the state's stance on religion.

- *Six*, support victims' access to local, national and international reporting mechanisms, giving them a chance to speak.

- *Seven*, compile human rights reports using UN mechanisms which have provided key recommendations in the reformation of Indonesia.

- *Eight*, create recovery mechanisms through breakthroughs in monitoring, recovery, and empowering by learning from the survival of other religious groups.

- *Nine*, compile a module on religious based violence from results of links with psychologists and the victim community.

- *Ten*, get involved in the process of policy revision, including through the Judicial Review mechanism such as Act No1/PNPS/1965 on Religious Blasphemy.

- *Eleven*, conduct monitoring with other state institutions such as LPSK, KPAI, Komnas Ham, and so on, of issues such as Ahmadiyya and Shia. Although some measures have been taken there is still much that needs to be done.

There appears to be developing a hopeful approach or the politics of hope, with active efforts towards participation, an active public, and a state that is responsive. Indonesia has placed great hope in the Jokowi-JK administration, and there have been a number of positive signs that should be appreciated. Jokowi and Ahok when they were governing Jakarta took a firm stance in line with the constitution. For example, the case of the Susan who was rejected as a county/village head, because she is a Christian. The new Minister of Religion also spoke with the victims who the state had previously turned its back on. The recognition of Baha'i, the discussion on the religious column in the ID card, and a slight reduction in attacks on religious groups. However, there is still much to be done. A number of places of worship cannot be established or are still sealed off, displaced people have not been able to return, assets can still not be accessed, and segregation between religious groups is still very apparent, anarchy groups are still ill at ease and so on.

The key is for the leaders of the state and those responsible for upholding religious freedom to be firm. We must be brave in maintaining neutrality or impartiality and restore the rights of victims to truth, justice and recovery as well as reformation of policy that is against the constitutions, and replace officials and their staff with those who understand the constitution and are committed to human rights, particularly religious rights.

Thank you to Mrs Shinta Nuriyah who has dedicated her valuable time for this important work and to all others, state institutions, the public, the victim community, observers who have helped the process of monitoring and who are present here today. Thank you to the PKHN, PKKB team and Husein Muhammad, Andy Yentriyani, Kunthi Tridewiati, the commissioners responsible and other commissioners. Our thanks also go to the PKKB team who have taken on this difficult task. I also express my gratitude to Mrs Masruchah, one of the leaders who

closely followed this process and various other leaders who we have not been able to mention individually.

Finally, I would like to confirm a number of things. *First*, a world lesson, that religious based conflict is the most sadistic kind of conflict with long lasting impacts. Therefore, it must be prevented and handled immediately. *Second*, pluralism and tolerance is not a stance that can be taken individually, instead it must be an active approach, knowing and being aware of difference, being committed to respecting each other and – a point that is often forgotten – actively defending those who require it. *Three*, human rights are an integral part of the constitution and are the basis of national policy and important for maintaining civilisation in Indonesia.

May the results of this monitoring ignite efforts towards improvement. Thank you.

Jakarta, 22 December 2014
Yuniyanti Chuzaifah
Chairperson

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CHAPTER 1 PREFACE

1.1 Background

The recent phenomena of religious violence have reached limits that are not only quite concerning, but in fact, very worrying. This is not just the prevalence of violence that increases from year to year but also the increasing degree of violence. [1] More than a few places of worship that have been long established have been sealed up, damaged or destroyed by what is often known as intolerant groups. In several acts of violence, there have been many victims, both in terms of material loss, physical and psychological victims and also those who have lost their lives.

In the history of religious conflict in Indonesia, the violence over the last few years has been the most horrifying. Previously, cases such as this rarely occurred. During the time of the New Order, the sealing or destruction of places of worship was almost a non-event
because the New Order government was so adroit at suppressing and controlling differences of opinion and faith that arose. Through this repressive approach, the New Order government held up a portrait of false harmony, which didn't actually exist in the consciousness of the people.

After the fall of the New Order in mid 1998, the false harmony designed by the New Order revealed its true colours. The different opinions between the religious groups and the struggle for interests, again rose to the surface in the form of conflict and violence. From this it is evident that cases of violence that have occurred in Indonesia recently are nothing new. In the time of the New Order, different religions and faiths were considered wrong and were wiped out or obliterated. Consequently, religion during that time was very monolithic.

The conflict and violence that arose was between those of different faiths, however in reality this was just an effective excuse for conflict and violence. Conflict occurred with the excuse of defending religion, or for reasons of blasphemy or deception, and so on, but in reality, religion was only being used as an excuse to fight for various interests. The Shia –Sunni case in Sampang is one example of violence that was triggered using the excuse of insults, blasphemy and deception to cover up the conflict of interest between two families. Meanwhile, if we look more closely, there are other political and economic factors behind the conflict. In other words, there are two triggers of conflict and violence, these being, a narrow and religious understanding that lacks depth, and economic/political issues with various underlying interests. The violence

1 For example, Setara Institute recorded in 2010 there were 216 cases, in 2011 this increased to 244 cases, then grew again to 264 cases in 2012. The Wahid Insitute reported in 2010, the number of cases of intolerance as 64 and 134 incidents of violations, increasing to 94 violation and 184 incidents in 2011, then in 2012 increasing again to 274 cases of violations of freed of religion in 363 acts. In 2013, the Wahid Institute recorded 242 cases of which 104 involved state actors.

experienced by Ahmadiya was also complicated by the political interests of the regional elections (PEMILUKADA).

The spread of hatred through the *ustadz*, Islamic preachers, mass organisations such as FPI and so on, are also based on a shallow understanding of religion which gives rise to intolerance towards other beliefs. Clearly, religion is being used as the trigger for violence amongst the people.

Based on Setara Institute's monitoring (2007), for example, religious-based violence and conflict is not merely a problem of social tension, there are political aspirations, the state's failure to acknowledge the constitutional right to express religious beliefs, or an increase in intolerance in the community. However, in addition, various social tensions related to the issue of freedom of religion have become a medium for jihad groups to radicalise individual radical groups and transform them into terrorists. The escalation of violence in the name of religion done by these vigilant groups gives rise to increasing feelings of intolerance and hatred among the people.

These conditions are exacerbated by the fact of legal submission and security forces that do not maximalise their role in guarding and protecting public security. A state institution that should be in the front line preventing various forms of violence is the Indonesia National Police, POLRI. However, unfortunately POLRI are often observed as being hesitant and insensitive to the needs of vulnerable minority groups for protection. A number of victims from minority religious groups mentioned that when there were attacks or violence against them, women and children who were forced to flee to the police station were left cowering in the corner of the room without any food.[2] The police were also not able to provide a sense of comfort and safety to women victims who had been humiliated and abused; were not able to protect and defend women who were victims of the application of discriminatory policy, and so on. In fact, the police forces have been equipped with various rules related to the control of mobs and the use of force which should strengthen the role of police as protectors of the public's human rights.

Meanwhile, according to Human Right Watch (2013), there are four institutes that have in fact facilitated a number of incidents violating the public's constitutional human right to freedom of religion, namely; The Ministry of Religion, the Indonesia Council of Ulama (MUI), Bakorpakem and the Forum for Religious Harmony (FKUB). According to the constitution, these four institutions are responsible for protecting every faith. However, with the excuse of preventing the outbreak of conflict and avoiding clashes, these institutions make vulnerable religious minorities who are in fact the victims, the party that has to surrender to the excessive demands of the majority.

2 Conveyed by a displaced woman from Cikeusik.

Evidently the state institutions are incapable of protecting the basic freedoms of the people, and in fact continue to produce restrictive regulations, such as blasphemy laws. Including the issuing by three state officials of ministerial level the Joint Decree on restrictions to Ahmadiya. This has led to acts of intolerance, discrimination, and even crimes and other acts of violence in religious life.

Such incidents of conflict and violence in the name of religion have resulted in suffering for women. Every moment, they are overshadowed with a sense of fear and worry, wondering if there will be a follow-up attack. They also feel anxious when they cannot worship in peace, as a result of repeatedly having to flee, shifting their place of worship or even their residence. They are also deeply concerned that they will be isolated in their community, unable to take part in social activities, *arisan*[3], or even sell their goods in the market, teach, and so on. In addition, radical groups who spread hatred through the ustadz, preachers and masses, make women victims feel increasingly powerless and stuck, both for obtaining a fair trial and getting back the rights that have been taken from them. In Komnas Perempuan's monitoring of acts of intolerance and violence in the name of religion in morality in 2008, women's groups have experienced layered discrimination, both as women and as members of minority groups who are the targets of the attack.

The serious condition of women victims obviously cannot be allowed to go on without being significantly addressed. Women are the central figure in the lives of children. They play an integral role in the care, raising and education of children. Women are also autonomous individuals who have equal rights to men. In such a context, the recovery system for women victims must continue to be developed. So too the advocacy and policy strategy.

Consequently, Komnas Perempuan, which is an independent institution with a mandate to focus attention on the fate of women victims of violence and uphold their human rights, is continuing efforts in further monitoring. Through these efforts, Komnas Perempuan also pays attention to guaranteeing freedom of religion as an integral part of the elimination of violence against women. For this reason Komans Perempuan has decided to continue monitoring the issue of violation of the right to practice religion, as well as its impact on women.

1.2 Purpose of Monitoring

Komnas Perempuan is an institution that aims to develop conducive conditions for the elimination of all forms of violence against women and uphold the rights of Indonesian women. Komnas Perempuan was formed by Presidential Decision No. 181 / 1998, which was then renewed with Presidential Regulation No. 65 / 2005, in response to public pressure for

3 Arisan: a form of rotating savings and credit association in Indonesian culture usually in the form of a social group.

the state to take responsibility for violence against women, particularly that which occurred in the May 1998 riots. Komnas Perempuan has a mandate to educate the public, monitor, conduct fact-finding, strategic studies, give policy recommendations and develop a working network at the local, national and international level.

In carrying out its mandate, Komnas Perempuan continues to monitor the issue of violation of religious/faith rights, and its impact on women. This monitoring was conducted with the Komnas Perempuan Special Rapporteur mechanism supported by a monitoring team including members from the victim community. The aim of this monitoring is:

1. Provide information with a gender perspective from the experiences of women who have been subject to violence and discrimination in the context of freedom of religion/faith.
2. Document and publicise violations based on the experiences of women victims of violence and discrimination.
3. Develop an advocacy strategy and policy changes to eliminate all forms of violence and discrimination against women in the context of freedom of religion/beliefs.
4. Increase the public's active role in guaranteeing freedom of religion/beliefs.
5. Develop a recovering system for women victims of violence and discrimination in the context of intolerance and freedom of religion.

1.3 Scope of Monitoring

Based on consultation with the victim community and documents on various reports/finding on acts of intolerance and freedom of religion, this monitoring was only conducted on religious minority groups that were not followers of local religions or beliefs. This was due to the complexity of the issue related to the enactment of Act No. 1/ PNPS/1965 on the Prevention of Misuse of Religion and/or Blasphemy.[4] Cases monitored are incidents of intolerance that occurred post 1998.

Monitoring was carried out in 12 Provinces in 40 districts/cities in Indonesia covering cases related to the banned spreading of religious teachings (Ahmadiya, Shia, Baha'i) and the banned establishment of places of worship (churches, temples, and mosques). Komnas Perempuan chose a number of cases based on consultation with victim communities on regions that have experienced escalation in acts of religious-based intolerance and violence, and places where breakthroughs have been made. It is hoped that the regions chosen can be used for reflection and comparison with similar conditions in other regions. Information on the regions and cases monitored are contained in the following table (table 1).

4 Further information on issues related to Act No. 1/PNPS/1965 will be discussed

Table 1

Cases and Regions Monitored

No	Province	Recency/City	Case
1	Aceh	Banda Aceh, Aceh Singkil	Closing of church, temple
2	North Sumatra	Binjai, Langkat, Kota Medan, Samosir, Padang Lawas, Mandailing Natal Asahan	Close of HKBP church, intimidation and attack on Ahmadiya people, blocking the building of mosque
3	West Sumatra	Alahan Panjang Kuantan Singingi	Ban on marrying for Ahmadiya; burning of church
4	Bangka Belitung	Sungailiat	Attack on Ahmadiya people
5	Lampung	Lampung Timur	Arrest of two Baha'i people
6	West Java	Cirebon, Sukabumi, Sumedang, Kab Tasikmalaya, Kota Tasikmalaya, Kab Bogor, Kota Bogor, Kab Bekasi, Kota Bekasi, Kab Bandung	Closing of church and ban on building of church, closing of Ahmadiya mosque and attack on Ahmadiya
7	DKI Jakarta	Jakarta Utara, Jakarta Timur	Closing of church
8	Central Java	Temanggung, Semarang, Solo, Salatiga	Damage to church and property; intimidation towards Ahmadiya, Policy on Establishing Places of Worship
9	East Java	Malang Pasuruan, Bondowoso, Sampang	Closing of church; intimidation and attack on Shia followers
10	NTB	Mataram, Lombok Tengah	Conditions of displaced Ahmadiya
11	NTT	Kabupaten Kupang, Kota Kupang	Blocking of building of mosque
12	West Kalimantan	Singkawang, Sanggau, Pontianak	Blocking of building church, policy of religious life tolerance

1.4 Methodology

To obtain data and information for this report a qualitative method was used with field observations made from a gender-justice human rights perspective. In choosing the qualitative method it is hoped that a deeper and more accurate picture can be achieved that is more representative of the true social reality of the conditions of women victims. The qualitative approach was conducted through interviews and focus group discussions with the victim community.

The interviews carried out were in-depth interviews. The purpose was to gather information from a number of informants related to topics that required further delving into. To determine the respondents who would be interviewed, the snowballing method was used, that is, interviewing respondents based on information linked to other respondents. The respondents interviewed were not only those directly involved (victims and perpetrators) but also witnesses, officials, academics, researchers and other parties believed to be knowledgeable on the event or to have witnessed it. This was done in order to verify the information and date and to ensure the authenticity and validity of the data obtained.

Meetings with the victim community were conducted using the participative method in order that every participant could actively express their view. To do this, the focus groups were guided by a monitor who acted as the facilitator. To support and provide greater detail on the data obtained through the qualitative method and field surveys, secondary data studies were conducted from various literature, including: research books, institution reports/documents, magazines, newspapers and other publications.

1.5 Process and Sources

The monitoring by the Special Rapporteur and their team was conducted from June 2012 to June 2013. The preparation process for the monitoring began in February 2012, through discussions both internally within the special Rapporteur team as well as consultative meetings with groups of experts informed on the subject and who had worked on issues related to freedom of religion and beliefs in Indonesia, particularly to deepen the mechanisms and scope of the monitoring.

The Special Rapporteur also held consultative meetings with victim communities and those working with them. Consultations with the victim communities included: a) finding out more about the forms of violence and discrimination against women in various attacks against religious minorities, b) making a space to verify basic information that had been recorded by Komnas Perempuan, c) obtaining input for the monitoring work that would be undertaken by the Special Rapporteur, and d) find out more about the experience of women during attacks and the impact of this. This consultation was with;

- Ahmadiya community (victims) and Lajnah Imaillah national leadership staff and NTB, Manis Lor, Cikeusik and Bekasi (27 March 2012)
- The people of GKI Yasmin and the minister of Indonesia Christian Church, 4 April 2012
- The people of HKBP Filadelfia, 11 April 2012
- Leaders of Indonesia Ahmadiya (JAI), Ikatan Jemaah Ahlul Biat Indonesia (IJABI), Indonesia Association of Churches, Indonesia Baha'i Council and the Indonesia Bishops Conference, 7 June 2012

It was hoped that through these consultations input would be obtained for the scope of the monitoring and initial information on the incidents and women's experiences. This information would be built on and verified with competent parties through interviews and field visits. Interviews would be conducted directly by the Special Rapporteur and the monitoring staff who had been prepared. This process would be undertaken for three months between July and September 2012. To complement the data, analysis of these initial results would then be made the basis for the monitoring team to return to the field in December 2012. The monitoring team then prepared an initial report. To complete the report, the Special Rapporteur conducted a number of separate meetings with several victim communities up until June 2013.

On hearing about the monitoring being conducted by Komnas Perempuan and that the Special Rapporteur was a figure for pluralism in Indonesia, several victim communities took the initiative to meet the Special Rapporteur and report their cases. Representative ministers and members of churches that had been closed down or sealed by the district government in Aceh Singkil conveyed their complaints directly to the special Rapporteur on 7 June 2012. Following this, on 10 September 2012, the Special Rapporteur also received a complaint from leaders of the GPdI church (The Pentecostal Church in Indonesia) Jatinangor, Sumedang and GBSI (Gereja Betel Sepenuh Indoneisa) Rancaekek, Bandung, which had been forcibly closed by local government officials and criminalised.

In field visits, the monitoring team also obtained information about a number of policies that discriminate in the name of religion. Some of these include the Ban on the Farming of Four-legged Animals (Medan); the District Circular forbidding eating places from opening on Sundays (Samosir), Sharia-based policies (Mandailing Natal), and policies in a number of places obliging the wearing of certain clothing according to a single interpretation by the religious minority. Although these cases were recorded, they do not form part of this report.

At the end of the monitoring period, the number of sources met and interviewed came to 407 people, consisting of 301 women and 106 men from various backgrounds. As seen in table 2

there were 326 victims and members of the victim community interviewed; 48 state officials, 9 perpetrators of intolerance, and 24 members of community organisations from around the location of the monitoring.

The Special Rapporteur and the monitoring team recorded that there were still many victims and members of the victim community who in fact had different views from the intolerant groups, but refused to offer their opinion for fear of their safety and the safety of their family. They often asked the monitoring team to communicate directly with leaders of religious or community organisations. This complicated matters as most of the leaders of organisation were men, whereas it was the women's experiences that the monitoring was focused on.

Table 2

List of sources based on background and sex

Individual/minority group/ other party	Women	Men
Ahmadiya	46	8
Church	33	9
Shia	15	9
Baha'i	6	1
Other Minority (blocking of mosque construction)	2	7
State Officials	46	2
Perpetrators of Intolerance	4	5
Public/organisations	1	23
Victim Communities (in restricted meetings)	148	42
Total	**301**	**106**

1.6 Monitoring Team

The special reporting team consisted of:

- **Special Rapporteur**: Shinta Nuriyah Wahid

- **Steering Committee (SC)**:
  Saprarinah Sadli (Respected Member of Komnas Perempuan
  Masruchah (Leadership Komnas Perempuan)
  Husein Muhammad (Commissioner, Head of PKHM task force)
  Andy Yentriyani (Commissioner, Head of the Community Participation sub-commission)

- **Field Monitoring Team which totalled 12 people**, consisting of trained field staff, both those who worked for Komnas Perempuan and from other related institutions. The 12 members of the field monitoring team were Veryanto Sitohang, Redima Gultom, Nur Imroatus Solihah, Agnes Dwirusjiyati, Emilia Az, Rita Fortuna, Dwiati Novita Rini, Anna Berlian Nenoharan, Kris Hidayat, Selviana Yolanda, Fatimah Zahrah, dan Salamun Ali Mafaz.

- **Data Assistant**: Virlian Nurkristi, Soraya Ramli

- **Strengthening and Recovery Team**: Sawitri, Sheila Soraya

Freedom of Religion in Indonesia, Human Rights and Gender justice: Guaranteeing Protection and the Protection

Discussions on the issue of freedom of religion/beliefs are inseparable to the framework of guaranteeing protection of right to religion and its contradictions. In Indonesia, the protection of the right to freedom of religion is closely related to the desire to uphold human rights and gender justice, but in derivatives of the regulations, the state appears inconsistent in materialising its obligation to protect this right to freedom of religion. This inconsistency has seen the flourishing of discriminatory acts and violence against minority religious groups.

2. 1 Basis of Protection

Freedom of religion according to people of various nations is a fundamental, non-derogable human right. Therefore, the government must guarantee every individual freedom of belief, and give the freedom to worship to every individual and group. To this end, the 1945 Indonesian Constitution recognises and guarantees this fundamental right, explicitly mentioning it in several articles.

1. Article 28 E Paragraph 1 "Every person is free to follow their religion and worship according to this religion…"
2. Article 28 I Paragraph 1, "The right to freedom of thought and conscience, the right to religion,.. is a basic human right that cannot be revoked under any circumstances"
3. Article 29 Paragraph 2, "The State guarantees the freedom of every resident to follow their own religion and to worship according to their religion and beliefs"

In addition, Indonesia also has a number of laws that can strengthen the recognition and protection of the right to freedom of religion or beliefs, according to Act No. 29 / 1999 on Human Rights, Act No. 12 / 2005 on Ratification of the International Covenant of Civil and Political Rights, and other human rights instruments that set out the guarantee of the freedom of religion/beliefs, the Declaration on the Elimination of all Forms of Religion or Beliefs-based Intolerance and Discrimination and also Act No. 40 / 2008 on the Elimination of Racial and Ethnic Discrimination.

At a glance, the Constitutional recognition and guarantee of the right to freedom of religion and beliefs in Indonesia, is similar to the international recognition of this right. Article 18 of the Universal Declaration of Human Rights 1948 reads:

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

Religion or belief referred to in the Declaration of Human Rights is not only limited to traditional religions, known within the discipline of Islam by the term *samawi* (from the sky), but also religion and beliefs that have just been formed, and also minority religions which are known within Islam as *ardhi* (originating on earth), also has the right to obtain protection from parties with power. However, the understanding of religion is often narrowly interpreted. In general people take religion to be a belief in God (theism), while that which isn't theistic is not religion. However, in reality, Buddhism, which is non theistic, and Hinduism, which is polytheistic, are also religions.

From a human rights perspective, followers of theistic and non-theistic religions, as well as those who do not have a religion or belief, have the same rights to protection. This is reflected amongst others in the General Comment No. 22 (1993) United Nations Human Rights Committee on Article 18 of the International Convention of Civil and Political rights. This article outlines that 'religion or beliefs' included minority religions and non mainstream theistic and non theistic religions and atheism. In this way Article 18 is meant to protect the freedom to not believe in a particular religion or belief at all.

Article 18 International Covenant on Civil and Political Rights (1966) covers:

(1) The freedom to follow or choose a religion of your own choice or beliefs, and the freedom, either individually or together with other people, either in public or private, to live this religion through worship activities, practices, implementation and teachings;
(2) Freedom from being forced or the freedom to follow or choose your own religion or beliefs being disturbed;
(3) Freedom to live out a religion or belief can only be restricted by legal based stipulations, and only when it is required for the protection of safety, order, health or morals of the public, or the fundamental rights or freedoms of others; freedom of parents, and when recognised, legal guardian, to ensure religious and moral education for their children according to their own beliefs.

The International Covenant on Civil and Political Rights (ICCPR, 1996) is a fundamental human rights instrument that regulates the guarantee to Freedom of Belief/Religion, particular Article 18. This covenant is legally binding on state parties. Another instrument that regulates the

guarantee of freedom of religion/beliefs is the Declaration on the Elimination of all forms of Intolerance and of Discrimination Based on Religion or Belief which was initiated through UN general assembly resolution No. 36/55 on 25 November 1981. Although the guarantee of freedom of religion/belief in this declaration is regulated in more detail, it is in the form of a declaration so it is non-binding on state parties. Even so, this declaration has a moral strength in the practice of international relations in general, because it reflects a widespread consensus from the international community.

Article 1 of the UN Declaration on the Elimination of all Forms of Intolerance and Discrimination based on Religion and Beliefs (1981):

(1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
(2) No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.
(3) Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

As a state party that has ratified the International Convention on Civil and Political Rights through Act No. 12 / 2005, Indonesia has stated its commitment to bind itself to the contents of this covenant. Indonesia therefore is obliged to include or harmonise this convention as part of their national regulations. Indonesia also has to provide periodic reports to the UN Human Rights council on progress and challenges in the fulfilment of rights expressed in this Covenant. This convention also contains women and men's rights, in enjoying equal civil and political, including:

1. Right to life
2. Right to freedom from slavery and human trafficking
3. Right to personal freedom and security
4. Right to be treated humanely in any situation
5. Right to freedom to move, to choose place of residence.
6. Right to equal position before the law
7. Right to be recognised as a private individual before the law
8. Rights not to be mixed up with personal issues

9. Right to freedom of thought, belief and religion
10. Right to freedom of opinion
11. Right to associate and gather with labour unions
12. Right enter into marriage
13. Right to equal opportunity in government
14. Right to legal protection
15. Cultural rights

At the international level, recognition of women's rights as basic human rights was rooted in the Universal Declaration of Human Rights which came about in 1947 and was ratified by the United Nations General Assembly on 10 December 1948. Meanwhile, the specific convention related to women is the Convention on the Elimination of all Forms of Discrimination against Women which was signed in 1979 and came into effect in 1981 after 20 countries agreed to it. Previous to this, in 1967, the United Nations responded to discrimination against women which continued to occur, by issuing the Declaration on the Elimination of All Forms of Discrimination against women based on Resolution 22/ 2263. This declaration is an international instrument which contains a universal recognition and law on the equivalence of women's and men's rights.

According to CEDAW, which Indonesia ratified through Act No. 7 / 1984; the factor that influences discrimination against women is prejudice and habits based on gender-based stereotypes, that is, social constructs that differentiate between men and women. Discrimination, in Article 1 CEDAW is defined as;

> *"…any distinction, exclusion or restriction made on the basis of sex which has the effect or propose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil and any other field."*

Article 2 of the Convention on the Elimination of all Forms of Discrimination towards women states that State Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

The following CEDAW articles (3-16) elaborate the issues and sectors that require attention and state intervention to ensure the elimination of discrimination against women and to realize gender justice. To achieve substantive gender justice, the intervention has to be directed not only at discrimination contained in the law (de jure discrimination) but also in the reality of daily life (de factor discrimination) which results in women directly and indirectly experiencing differences in the enjoyment of basic human rights which should be equal with men.

In the understanding of this Convention, as explained in General Recommendation No. 19 (1992), the definition of discrimination also contains the meaning of violence against women. This meaning is seen as important because the state doesn't automatically capture the close relationship between discrimination towards women and gender-based violence, with violations of basic rights and fundamental freedoms experienced by women. This meaning was initially adopted in the Declaration on the Elimination of All Forms of Violence against Women, which in Article 1 states that violence against women is:

> *"any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."*

As a member of a minority community for example, women experience layered violence, both as members of a minority community and also as women. Therefore, increased intensity of intolerance and violence against minority religion communities, will also be directly proportional to the added vulnerability of these women community members to discrimination and violence.

2.2. Intolerance and Violation of the Right to Freedom of Religion in the Indonesian Legal System

Working from the above human rights instrument, the understanding of the freedom of religion/belief covers freedom to follow a religion or belief of your own choice, the freedom to worship, either individually or with others, according to the religion or belief that you follow, as well as obey, practice and teach either in public or private, including the freedom to change religion or belief, or even to not follow any religion or belief at all. Indonesia as a state party to the human rights international law, is obliged to respect and protect the freedom of every person to religion or belief, without exception.

In reality, the state's obligation to the right to freedom of religion and belief, cannot be fully realised. The main inhibitor is in the law that has multiple interpretation in guaranteeing the right to freedom of religion and belief. On this matter the 1945 Indonesian Constitution Article 29 Paragraph 29 states, "The State shall be based upon the belief in the One and Only God." And Paragraph 2 states, "The State guarantees all persons the freedom of worship, each according to his/her own religion or belief." This article is often interpreted as the obligation for every citizen to have a religion and the state has to be managed with the principles of monotheism.

This situation was exacerbated by the enactment of the Republic of Indonesia Presidential Decree 1959 which was then strengthened as Act No. 1 / PNPS / 1965 on the Prevention, Misuse and/or Blasphemy of Religion, as interpreted in article 29 of the 1945 Constitution. This regulation criminalized people/parties considered to be committing acts which are essentially hostile, misuse or blaspheme against religion or desecration of a religion followed in Indonesia. Criminalization of these acts was adopted in Article 156a of the Criminal Code which states:

> *"A maximum imprisonment of four years or a maximum fine of three hundred Rupiahs shall punish the person who publicly gives expression to feelings of hostility, hatred or contempt against one or more groups of the population of Indonesia."*

There are problems with Act No. 1 / PNPA/1965 because it becomes the basis for distinguishing between "official religions" of the state of Indonesia and other religions. In the explanation of article 1 of this regulation it is mentioned that the religions followed by almost the entire population of Indonesia are Islam, Christian, Catholic, Hindu, Buddhist and Confucius. These six religions in addition to having the guarantee provided in Article 29 Paragraph 2 of the 1945

Constitution, also have the help and protection such as given in this article. The choice of official religions is defined in Minister of Home Affairs Circular Number 477/ 74054/BA.01.2/4683/95 on 18 November 1978 and Ministry of Home Affairs Document number 77/2535/POUD on 25 July 1990 which states that only five religions are recognized in Indonesia; Islam, Christian Protestant, Christian Catholic, Hindu and Buddhism. Because they are considered 'unofficial', not only do the religions outside these six religions fail to get government facilities, they are considered to be illegal and therefore not allowed in Indonesia. For example, between 1967 – 2000, Confucius was stated as banned based on Presidential Instruction No. 14 / 1967. This ban was finally revoked with Presidential Decision No. 6 / 2000 during President Abdurrahman Wahid's administration.

Based on Act No. 1 / PNPS/1965, the state holds views that not only differentiate but degrade mystical sects (*aliran kebatinan*), because "The Government believes in the One True God". In civil administration, followers of *aliran kebatinan* and ancestral religions are regulated differently and handled by different institutions too. From this it is evident that the state's interpretation of Article 29 of the Constitution, which only recognizes official religions, has given rise to discrimination against followers of religions/beliefs outside the official state religions/beliefs, and has led to violations of human rights for religious groups in Indonesia.

In the post New Order, efforts to improve inconsistencies by the state in implementing the obligation to protect the right to freedom of religion have also not succeeded. The request for a Judicial Review of Act No. 1/PNPS/1965 culminated in Constitutional Court Decision No. 140/PUU-VII/2009 that stated, with one dissenting opinion, that the law was constitutional. This decision refers to Article 28J Paragraph 2 of the 1945 Constitution which states that allowed limitations are;

> "*.. with the sole meaning of guaranteeing the recognition and respect of the right to freedom of other people and to fulfill just demands according to moral considerations, religious values, security and public order in a democratic community.*"

These limitations are often used as justification for making judgment against minority groups, with accusations of violating religious values and disturbing the public peace. This is certainly different from the meaning of the limitations found in the explanatory remarks in the Convention on Civil and Political Rights. With Act No. 1 /PNPS/1965 remaining in effect, the bans on the proselytizing and even the criminalization of religious minority groups can continue to occur. In the case of the Ahmadiya and Shia for example, inconsistency by the state is accompanied with violence that has culminated in the loss of life and forced expulsion, which will be elaborated further in the following section of this report.

The state's inconsistency also appears in the regulation of the establishment of places of worship. Data quoted by CRS (2011) states that from 1966 to 1998 there were at least 456 churches damaged and closed, around 21 cases of which occurred in Jakarta. For example, the destruction of churches in Makassar and Aceh, and the destruction of the Christian school in Jakarta in 1967. Also the attack on a protestant church on the outskirts of Jakarta by Muslim groups, which then spread to West Java, and even to several cities in Central Java. Addressing this situation, in September 1969, the Minister of Religion and the Minister of Home Affairs issued a Joint Ministerial Decree (SKB) No. 1 / BER/MDN-MAD/1969 on the Implementation of Tasks of Government Personnel to Ensure Order and Smoothness in the Implementation of Development and Religious Worship by Followers. This decree gives authority to Regional Government to give permission for the building of places of worship. Although this decree applies to everybody, the impact on religious minority groups has been different.

The issue of the closure and destruction of places of worship continued after the New Order. Data by CRCS (2011) shows that during the Habibie administration (1998-1999) there were 156 churches destroyed/closed, 232 churches in the Gus Dur administration (1999-2001), and 68 churches during Megawati's administration (2001-20014). This situation gave rise to the public demand for the government to revise decree No. 1 /1969. The revision proposed by the government was challenged by a number of parties, both religious organizations and the public because it in fact obstructed citizens from worshiping and had the potential to discriminate against religious minority groups. Despite these objections, the government continued to issue the Joint Regulation of the Ministry of Religion and the Ministry of Home Affairs No. 8 / 2006 and No. 9 / 2006 on the Guide to the Implementation of Tasks of Regional Head/Deputy Regional Head in the Maintenance of Harmony of Religious Groups, Empowerment of the Religious Harmony Forum and the Establishment of Places of Worship (herein called Joint Ministerial Regulation).

Points of discrimination in articles in the Joint Ministerial Regulations 8 and 9 / 2006 related to regulations on the establishment of places of worship.

1. Joint Ministerial Regulation which consists of 30 articles with reference to 15 legal products as the basis for this jurisdiction, gives rise to controversies within it. For example, article 13 (1) states: the establishment of a place of worship is based on a real requirement and truly based on the number of residents servicing the religious group in that region/village. This limits the establishment of places of worship with, 'a real and true requirement', the qualification of which is unclear.

2. In article 4 paragraph 3 of Decree No. 1 / 1969 on the regulation of the establishment of places of worship it is stated (3), "when it is considered necessary, the Regional Head or appointed official can request opinions from religious organisations and local ulama/spiritual leaders." Paragraph 3 has been differently interpreted by certain groups and in practice the Regency/City Regional Government and religious organizations use paragraph 3 to obstruct the establishment of houses of worship. The scope of the word 'local' in article 3 is also unclear such that, in the field, organizations that obstruct the establishment of places of worship are in fact from other districts or regencies.

3. Article 14 paragraph 1 relates to administration and technical requirements, including that there has to be a list with the names and ID of at least 90 people who are the users of the house of worship and at least 60 supporters from the local community which is validated by the village head. This article requires attention: first, the number of ID cards of the users of the place of worship may from one village region. If the number of people does not reach 90 in one village then the region can be extended to the district, if it cannot be fulfilled in the district it is extended to the city. And paragraph 2 letter d which states the written recommended requirements from the city/regency FKUB shows that the state hands over the administration authority for the establishment of places of worship to the forum or non-state institutions, in practice, the FKUB is in fact the first party that obstructs the establishment of places of worship.

4. Article 17 states, the regional government shall facilitate the provision of a new location for places of worship that have a permit but have been shifted due to altered special plans. Inconsistency in the formation of this regulation confuses the regulations on the establishment of places of worship and matters of spatial planning. If permission to establish a place of worship is a matter of spatial planning then agreement from the people in the form of signatures should not be required, instead the government should examine the special planning in this area.

5. Articles numbers 18,19,20 which regulate temporary permits for the utilization of places of worship, should not require further permits, especially if permission has to be issued by the Regent/Mayor, because in practice the process takes a long time and sometimes permits are never given.

Source
Knowing the points of discrimination in the Joint Ministerial Decree, Setara Institute, 23 September 2010

As can be imagined, the ambiguous Joint Ministerial Decree, becomes an excuse for acts of intolerance through blocking the building of places of worship for minority religions as well as closing and destroying them. The effort to block building is also done through administration channels which are intentionally made difficult by extending the time required to issue building permits.

In Aceh, this situation has become exacerbated. Generally, Aceh applies Governor Regulation No. 25 / 2007 on the Guide to the Establishment of Places of Worship. This Governor Regulation regulates that permission for the establishment of a place of worship can only be obtained with the agreement from 120 surrounding citizens, with the number of people in the congregation being 150 or more, validation obtained from the village head and a letter of recommendation from the local Department of Religious Affairs. This stipulation is more cumbersome than the stipulation contained in the Joint Ministerial Regulation No. 8 / 2006 which requires permission from 60 local people and 90 people in the congregation. In addition, to date the Government of Aceh Singkil still refers to the 1979 agreement. This agreement states that there may only be one church and four *undung-undung* (a type of small chapel) in Simpang Kanan district, and that Christian spiritual visits to the Aceh Singkal area be restricted. This agreement is the result of a meeting of Islamic and Christian leaders facilitated by the government, as a result of the burning of four churches in Simpang Kanan District, in Aceh Singkil regency, 1979. With the passage of time, the number of residents increased but this regulation did not change leading to issues for Christians in building places of worship as part of an expression of their religion.

From the above example it is clear that there is overlap and contradiction in the laws in Indonesia that give rise to ambiguity in their implementation related to human rights, particularly related to the issue of religious freedom. On the one hand, Indonesia recognizes there is a right to freedom of religion/beliefs stated in the Constitution, which is proven by the ratification of various international covenants related to freedom of religion and religious tolerance. There have even been several laws enacted on this matter. However, on the other hand, the government has also made several laws that may obstruct the implementation of freedom of religion, for example, only recognizing six religions as official religions, also several other laws concerning issues of public order, the establishment of places of worship, other regulations that give rise to attitudes of intolerance against minority religious/belief groups that are outside the mainstream.

The impact of this ambiguity in the law is that officials are afraid of providing protection for minority groups that are the targets of violence and discrimination from strong majority groups. Consequently, there is a tendency for people to see officials as being lenient towards acts of violence and intolerance, including violence against women. In other words, the weak legal framework has increased the tendency for already weak law enforcement officials not to care about acts of violence and intolerance. Legal officials are inclined to be pressured by the strong majority. This is the portrait of freedom of religion in Indonesia and its connection with human rights.

CHAPTER 3

General findings: Conditions of the Victim Community in the Monitoring Area

3.1 General Overview

Several recent incidents of unrest and acts of violence with religious undertones provide the picture of freedom of religion/beliefs in Indonesia which is of increasing concern. Violation after violation, committed by Islamic groups/organizations and state actors, still continue to occur. The most serious violations of freedom of religion/belief, particularly related to places of worship of minority religions; also the criminalization of beliefs, hate speech, committed by both preachers, and government/public officials have incited and condoned acts of violence. Facts in the field show the groups that have experienced the most serious violence and become the target of persecution are the Ahmadis and Christians.

Despite the 1945 Constitution guaranteeing every citizen the freedom to follow their religion/beliefs, and worship according to their religion and beliefs, all these things still occur. Indonesia also has Act No. 12 / 2005 on the Ratification of the Civil and Political Covenant, one article of which contains a guarantee on the freedom of religion/beliefs, and has also been made the basis of Indonesian law, which binds the states to guarantee and fulfill it. However, constitutional and legal guarantees as contained in Indonesian regulations appear unable to protect the people's basic freedoms. Many of the violations of freedom of religion/beliefs are in fact triggered by the state which produces restricting regulations against citizens who follow religions/beliefs considered different from the mainstream.

Although violations based on religion/beliefs appear to only be experienced by some groups, there are in fact many other religious/faith groups that experience violence and discrimination. Data recorded in a number of 2013 reports show that the number of religious/belief based violations has not budged from the previous year. This can be seen in the widespread attacks on minority faith or religion communities, particularly the Ahmadis community in many parts of Indonesia; efforts to restrict and ban the construction of places of worship or worship activities of minority groups such as the Taman Yasmin Bogor Indonesian Christian Church, HKBP Ciketing and Filadelfia Bekasi, as well as attacks in the form of verbal or written threats, and even loss of life as occurred in the Shia community in Sampang, Baha'i in Lampung, Buddhist, and even Islam minority groups in NTT and Medan.

Other interesting facts recorded by the monitoring team were the fate of women in children in religious conflict. The team clearly noted, at the time of attacks, forced closure of buildings, or bans, women did not remain silent. They would fight back with all that they have, protecting their children and their property from looting. The suffering of women and children not only occurs during attacks, but also continues after the incident occurs. Facts show, after the occurrence of attacks and forced closure of buildings, the family economic situation stagnates. The men are unable to work as normal which disturbs the family economics. In conditions such as this, usually women victims of violence are forced to carry out multiple duties; acting as both protectors of the children from the economic limitations they face and at the same time as psychological support so that the children do not experience psychological trauma. This burden becomes heavier when they are displaced, because the social conditions during displacement are not normal.

Under unstable psychological conditions, children witness and feel painful acts that lead to intense inner turmoil. This has an impact on their psychological condition leaving them with lingering trauma. Because of this, they require guidance and help including psychological therapy to return their self confidence and overcome the psychological disturbances they experience.

All these facts show the depth of the burden on women and children victims of religious-based violence, both sociologically, economically and psychologically. This burden is not only felt when there are acts of violence but continues after the violence has occurred. Unfortunately, women's efforts to retain their constitutional rights that they are being deprived of always escapes the publics' attention. It's as if everything is dissolved and covered over by the incidence of violence itself. Therefore, in addition to examining acts of religious violence in various ways, monitoring of efforts by women's groups should be done, both in struggling for property, dignity and constitutional rights in every case of religious violence that occurs.

3.2 Ahmadis

In the last few years, the Ahmadis have been the citizens of Indonesia most often experiencing religious-based violence. These acts of violence against Ahmadis have been not only physical; destruction of places of worship, beatings and even killings, but also non physical; banning of worship, forced closure of places of worship, displacement, stealing of property, abuse and various acts insulting to human dignity. Incidents of religious/faith-based violations experienced by Ahmadis have occurred not only in one place, but in various parts of Indonesia, with violations in a number of forms. Acts of violence that have occurred against the Ahmadis people include;

1) Ban on Friday prayers, for example, occurred in Tasikmalaya, Cinajur (West Java)

2) Forced to take on a faith or change faiths. Numbing District Religious Affairs Office (Riau Islands) refused to issue Birth Certificates to Ahmadis except for those who stated they had left Ahmadiyya. In addition, it was reported that Bima Village Head, Nusa Tenggara Barat, forced an Ahmadis to sign a statement saying they had left Ahmadiyya.

3) Bans on worship and religious activities. In Sukabumi, there are 6 places of worship that have been banned from carrying out religious activities: Masjid al-Furqon Parakan Salak, Masjid Mubassirin, Masjid ar-Rahman, Masjid al-Barokah, Masjid al-Huda and Masjid al-Fadlol

4) The forced closure of places of worship and bans that can be categorized as criminal acts including: destruction, burning, threats and so on. In the 2013-2014 period incidents of closure of places of worship were noted in Neglasasri, Cianjur Regency and in Banjar, Ciamis Regency.

The emergence of acts of violence and intolerance against Ahmadis is inseparable from the inconsistent attitude of the state in its obligation to provide protection for the right to freedom of religion to the people.

Ahmadiyya, an Islamic religious movement established by Hazrat (Hz) Mirza Ghulam Ahmad in 1889 in India, entered and developed in Indonesia from 1925, and became an integral part of Indonesian society in the struggle for independence from Dutch colonization. It became a legal religious entity through Ministry of Justice Decree No. JA 5/23/13 on 13-3-1953. On 5 November 1974, Rabithah Alam Islamiy called Ahmadiyya its own religion outside of Islam. This stance was taken up by the Indonesia Council of Clerics (MUI) who issued a fatwa against Ahmadiyya and strengthened this with a similar fatwa in 2005. The impact was that many Ahmadiyya mosques were torn down by crowds and many Ahmadiyya followers experienced physical violence. On 21 June 1983, the Attorney General issued a decree No: Kep. iv.141/B/6/1983 on the ban on proselytizing Ahmadiyya teachings, both orally and in writing. This decree was strengthened through a Department of Religious Affairs circular in 1984.

Attitudes of intolerance against the Ahmadiyya community re-strengthened after 1998. On 16 April 2008, the Public Beliefs Monitoring Coordination Body (Bakorpakem) stated that Ahmadiyya deviated from Islam. On 9 June 2008, Joint Decree from the Ministry of Religion, the Ministry of Internal Affairs and the Attorney General (No: 3 / 2008, No: KEP-033/A/JA/6/2008, No: 199 / 2008) on Warnings and Orders to Followers, Members and/or administrator members of Ahmadiyya. In a ten-year period (2001-2010), there were at least 38 regional policies noted related to bans on the spreading of Ahmadiyya teaching, as derivatives

of policy at the central level. Seventeen of these regional policies were found in West Java, 7 in Banten, 4 in NTB, 3 in Riau, 2 in South Sulawesi, 2 in West Sumatra, and one in each of Central Sulawesi, East Kalimantan, South Kalimantan, West Kalimantan and South Sumatra.

After the Joint Ministerial Decree on Ahmadiyya, intimidation against the Ahmadiyya community continued to increase. A number of Ahmadis from Ketapang Village who returned to their place of origin, had to again face attacks in 2009. As a result of these attacks, they no longer dare to return to Ketapang Village and to this day the Ahmadis are still displaced in Transito.

From various incidents of violations/violence and threats experienced by the Ahmadis, several cases were focused on by the Special Rapporteur monitoring team; the incident that occurred in Manis Lor, NTB, the attack on the Ahmadis in Cikeusik and the case of the forced closure of the al-Misbah mosque owned by Ahmadis in West Bekasi. These cases were made the focus of monitoring because they were considered to be very dramatic and disturbing incidents. In addition, in terms of geographic spread, these incidents also represent the geographic conditions of each area.

3.2.1 Manis Lor

Ahmadiyya entered Manis Lor village in 1952. According to public information, Ahmadiya was brought by H. Bashari Hasan from Garut. Initially, he invited the people of Manis Kidul, but because many refused, he moved to the next village, Manis Lor. In 1956, the Ahmadiyya community established Indonesia Ahmadiyya Followers (JAI) Kuningan. The centre for JAI activities was in Manis Lor, Jalaksana, Kuningan, West Java. To this day the Ahmadiyya Community in Manis Lor is the largest community in Indonesia.

Until the end of the nineties, life for the Ahmadiyya community in Manis Lor still went on as normal. The conflict that did exist was still internal like other organizations, for example disgruntlement between members about differences in living standards, or complaints from members about the many contributions that had to be made. However, relations with other parties, such as other religious organizations were normal although they believed there was a difference between Ahmadis in the understanding of their religion. State apparatus also had a normal stance towards the Ahmadis, never differentiating them or belittling them. This was proven with Ahmadis being appointed as state officials, village heads and other government positions.

However, records showing open conflict and confrontation between Ahmadis and the Islam majority emerged in the *reformasi* era. After the 1998 *reformasi,* attacks against Ahmadis occurred openly and in an out of control manner. The confrontation began with a seminar that was

held about Ahmadiyya by Islam Study and Research Institute (LPPI) located in Istiqlal Mosque in Jakarta on 11 August 2002. This seminar was titled, "Dismantling the Ahmadiyya Cult". A number of youths from al-Huda Mosque Youths (RUDAL) Kuningan, were present at this event. After attending the seminar, they then made a banner which was hung on the road to the Ahmadiyya complex. The banner criticized Ahmadiyya. They also requested the Kuningan Government to ban Ahmadiyya activities in Manis Lor Kuningan.

On 25 October 2002, At-Taqwa mosque owned by Ahmadis was destroyed by a mob led by RUDAL. While lobbying the local government to issue a ban against Ahmadiyya, RUDAL also committed acts of terror by destroying the At-Taqwa mosque and al-Hidayah, and several Ahmadiyya homes. In response to this incident, on 27 October 2002, the Regent and elements of Kuningan Council, Department of Religious Affairs and the Council of Ulamas (MUI) visited Manis Lor Ahmadiyya. The Regent explained as follows:

- Religious issues are protected by Article 29 of the 1945 Constitution
- Act 22 / 1999 (OTDA) does not include religion, religion is the business of the central government, we are not coming in regard to a religious dispute.
- Not willing for an inch of Kuningan land to be used as a site of unrest and therefore would unite and pacify RUDAL and Ahmadis in Balai Villlage to ensure harmony.

However, the strange thing about this incident, the police did not take action against those committing criminal acts of violence, but in fact the organizers and the Ahmadis as the victims were examined and prosecuted. Acts of oppression against the Ahmadis did not stop there. On 3 November 2002 the Kuningan Government issued a decree banning the teaching of Ahmadiyya. This decree was signed by the Regent, the head of local parliament, Chief State Prosecutor, District Military Command, the Chief of Police, Head of the Religious Affairs Office, head of MUI as well as several organizations (NU, Muhammadiyah, GUPPI, PUI) and other youth organizations. This decree put a freeze on all Ahmadiyya activities while waiting on a central decision.

After the decree was issued, there were increased acts of terror. Many Ahmadis homes in Manis Lor were destroyed by mobs. On 5 November 2002, the Head of Manis Lor Village (Prana Imawan Putra) issued a letter of appeal to the Ahmadis for them to stop all worship activities according to the contents of the first decree to ensure security and safety and to avoid new conflict.

Then on 3 December 2002, the Bakorpakem team of Kuningan issued letter No. B.938/0.2.22/ Dep.5/12/2002, the contents of which requested the Chief of Police to investigate the organisers of Ahmadiyya. Secondly, requesting the district head and head of Religious Affairs Office not to marry Ahmadis. Thirdly, requesting the district head not to issue ID for Ahmadis.

The situation in Manis Lor heated up again after the issuance of the Joint Decree of Kuningan Regent, Chief State Prosecutor, Head of the Religious Affairs Office, and Regional Secretariat on 3 January 2005[5]. In a series of attacks against the people, one mosque and seven musholla[6] owned by Ahmadis in Manis Lor were closed on 30 July 2005. A further impact, on 19 November 2007 the Muslim component of Kuningan sent a letter which asserted that Ahmadis must immediately abandon their claim of being Islamic, stop all activities in line with the contents of the government decree and immediately dismantle all places of worship. This order had to be implemented within 15 days after the letter was received. Should the Ahmadis fail to follow up on this within the set time period it would mean they were waging a war against Islam. This letter had attached the signatures of leaders from Kuningan Islam organisations, including the Kuningan Anti Ahmadiya Movement (GERAH), the al-Huda mosque youth, FUI Kuningan, FPI Kuningan and several Islamic boarding schools, Muslim Ulama/Clerics/ and Intelectuals.

Further Attacks

In July 2010, police sealed an Ahmadiyya mosque and four mushola in Manis Lor without warning. This act incited anger among the Ahmadis. They stood up to this, opposing the action by opening up the bars that had been placed by the police. Several Ahmadis, including a few women, threw stones at officers. Women then formed a line by holding hands to protect their mosque from attack and destruction. Eventually the police didn't forcibly close this place of worship. This failure made several organizations angry. They gathered a mob consisting of thousands of people from several areas outside of Kuningan with the reason of *istighosah* (praying for Allah's forgiveness together).

Instead of doing *Istighosah*, they in fact provoked the crowd to carry out an attack on Ahmadis. The mobs who were wearing turbans and white robes, their faces smeared black then threw stones at the Ahmadis. They screamed the words "Allah Akbar, Allah Akbar, Ahmadis blood is halal, attack, kill!" The police trying to block the mob were overwhelmed, being far outnumbered. Several homes were destroyed and some people were injured as a result of this clash.[7]

Mrs Z who was struck on the cheek and body by the stones said:

> "After the incident occurred, the women here became afraid hearing the news that there would be another attack. We couldn't sleep, but stayed awake outside bringing equipment and stones", she said.

5 Joint Decree No: *451.7/KEP.58-Pem.Um/2004, KEP-857/0.2.22/Dsp.5/12/2004, kd.10.08/6/ST.03/1471/2004 on the ban of Ahmadiyya Teaching activities in the Kuningan Regency*

6 Musholla: small room set aside for prayer

7 Kontras, 2012 – page : 9

When speaking Mrs Z's face looked tense. Fear and concern were still reflected in her eyes, afraid that there would be another attack. She also worried about her children, where they would go to school because the schools had been shut and forcibly closed. She was also sad because previously the Ahmadis women could socialize with the local people, could help each other out when required, especially with financial problems. However, now their property that had been gathered over the years had all been lost.

"I've already twice reported the damage to police, but there hasn't been any response at all. There hasn't been any follow up to this day. The police only, said, yeah, later, later, we'll resolve it," she said sadly.

Table 3

Violations against the Ahmadis of Manis Lor

No	Form of Violation	Perpetrator
1	Criticizing Ahmadiyya as misguided	Youth al-Huda Mosque (RUDAL)
2	Damage to the At-Taqwa and al-Hidayah mosque	Youth al-Huda Mosque (RUDAL)
3	Damage to the homes of Ahmadis	Youth al-Huda Mosque (RUDAL)
4	Banning and stopping Ahmadis worship activities	Chief of Manis Lor Village
5	Ban on marrying Ahmadis	Monitoring of Religion and Beliefs in the Community Team (pakem) in Kuningan
6	Ban on the making of ID	Monitoring of Religion and Beliefs in the Community Team (pakem) in Kuningan District Head
7	Closing of Mosques and Musholla*	Mobs
8	Difficulties in burying the dead	Community

**at the end of 2014 information was given that the mosque and musholla could be used, except in Ciledug and Sadasari.*

3.2.2 Cikeusik, Banten

The attack against Ahmadiyya Indonesia (JAI) in Cikeusik, Pandeglang, Banten on 6 February 2011, had hurt the feelings of the people. In this attack, three Ahmadis died and five others were injured. Before being killed, the victims were severely beaten and tortured by the attackers. The violence that befell the Ahmadis Indonesia was extremely cruel. This cruelty had been witnessed directly by the public, both domestically and internationally.

The mob attack of around 1500 people[8] burning with rage against this group with a different faith, also resulted in physical damage: one home and several vehicles were destroyed.
On that day (6/11/2011), around 17 Ahmadis Indonesia (JAI) from Jakarta and Serang, came to the home of Suparman (the Cikesik Ahmadia leader) for a visit. In addition, they were also hoping to ascertain the truth to the news that Suparman had been detained by police officials. Their arrival was welcomed by the Ahmadiyya community in Peundeuy Village, but Suparman and his family were not with them.
At the same time, a mob numbering in the hundreds from another village had gathered in the yard of al-Huda mosque, Cangkore Village. Present too were FPI Pandeglang leaders. They had prepared machetes, rocks and kerosene. Some of the people gathered at the intersection of Umbulan Road. However, this attack and mobilization of the mob had been carefully planned. Not long after, around 500 people moved towards the location of the incident while screaming, "Allah Akbar, dismantle Ahmadiyya". Dozens of Cikeusik police officers who had been deployed just to guard against the possibility of the threat of an attack or clash, attempted to prevent the surging mob from entering Suparman's home. The police's efforts completely failed, because they were not equipped with the equipment for handling a riot.
A clash was unavoidable, the throwing of stones by the mob was answered with stones thrown by the Ahmadiyya community. However the Ahmadiyya community's defence didn't last long. Dozens of attackers from the mob ran amok. Two motorbikes were the targets of destruction, followed by the destruction of two cars which they damaged and then burnt out. Houses were also attacked with stones and by hitting them with sticks and bamboo.

In this destruction, the mob was divided into carrying out four actions:

1. Beating and torturing in the yard.
2. Destroying homes, cars and motorbikes
3. Chasing Ahmadis who were running away
4. Beating and torturing Ahmadis who were inside houses.

8 Information about this number was also conveyed by the East Pradopo Chief of Police after the attack, as in news article, http://finance.detik.com/read/2011/02/06/233003/1561172/10/kapolri-sebut-penyerang-almadiyah-warga-cikeusik-bukan-oramas which was uploaded on 24 June 2014 at 1:15 pm Western Indonesian Standard Time.

In the beating and torturing in homes, two Ahmadis became the victims of sadistic act, hacked with machetes. Although they were already covered in blood and helpless, they were still beaten to death with sticks and bamboo. Sadistically, the two blood splattered bodies continue to be the outlet for the mob's anger, as if the mob were possessed by Satan. The two bodies were then beaten with sticks and bamboo by the crazy mob. The mob them jumped on their heads and bodies while screaming, "they're not dead yet, they're not dead yet, Allah Akbar." The people watching, including hijab-wearing women, were also told to throw stones at them. Afterwards, the bodies were stripped to their underwear, then hung on a tree.

The police couldn't do anything. They could not stem the angry mob attack. In fact, many of them just stood around and witnessed this sadistic attack. There were only one or two people who tried to stop the anarchy. "Stop, stop. Wait, wait," screamed these two police. When the clash occurred, with stones being thrown, Mrs Yt began panicking and scrambling about. Her sense of fear vanished. She ran here and there, trying to block people from throwing stones. "I didn't remember where my children and mother were. I was very stressed," she said.

But what was really heartrending was when she saw the victims being picked up and put in the truck. They were thrown carelessly into the truck, while the police below even said, "Is he dead already?... dead yet?....,"like it was said without feeling' she said. Mrs Yt's eyes looked teary, as if this sadistic event was once again happening right before her eyes.

This sadistic and brutal attack truly caused a lot of bloodshed and tears. Mrs BC (31 years), wife of one of those who died, didn't know anything when the attack in Cikeusik occurred. She was at home with her two daughters aged 9 and 4 in Muara Baru, Tanjung Priok. At nine pm, she was told by her siblings that her husband had died. Hearing the news, she immediately fainted. At 2 am, the body (brought by her husband's siblings from Serang Hospital) arrived home. Mrs BC fainted again. When she came to, she began crying. Her heart broken into pieces because what she now had to face was a frozen, lifeless corpse. Her soul was further ripped apart because she couldn't see her husband's face. It was forbidden by everybody because her husband's face had been sliced until it was unrecognisable. The whole night, she could only cry and hug her husband's body. Her heart screamed. "They say they're Muslim, but why did they kill my husband," she said while sobbing.

Mrs BC could not stop thinking, had those who had committed these gruesome attacks never considered or imagined the suffering and misery she now faced? How would their wives or daughters or mothers have felt, supposing the uncivilised killings had happened to them? The following day her husband was buried in Gondrong, Tangerang. Mrs BC held on for a year. She went back to selling cigarettes and daily needs, although she never had quite the customers as before. After that, she and her children moved to Parung.

"I implore the President to uphold justice for people like me," she whispered, without hop".

Mrs AA (36 years) who lived in Muara Baru, Gang Sampah, Tanjung Priok also had the same fate. When the attack occurred in Cikeusik, Mrs AA was at home with her four children. At 10pm she was told that one of the victims who had died was Tarno (Parman's brother). Mrs AA felt nervous and restless. Finally she was told to identify the body in Serang Hospital. She saw a body with a damaged face, but Mrs AA could still recognise and identify him from his feet: one of his toes was missing. Also from his teeth and his beard. At that moment Mrs AA fainted. Her eleven-month old child she was holding in her arms was quickly taken by a reporter.

At 2 am, the body was taken home. Adding to her horror, on arriving in Muara Baru the people threatened to burn it. Eventually the body was taken directly to Cirebon, because the parents and siblings of her husband were still in Cirebon. But the people of Cirebon also refused, because he was considered a sinner and heretic. After discussing with the family in Cirebon who were not Ahmadis, eventually her husband's body was received and buried in Cirebon. Mrs AA's sadness is difficult to imagine.

"My husband's only hope was to bring up his four children. Now I don't know what to do," she said with tears streaming down".

Mrs AA was made even sadder upon her return to Jakarta. Arriving in Muara Baru, she was asked to leave by the people. If she didn't her house would be burned. "There were 20 FPI guarding on the outside. I was given three days by the village head to quickly leave my home," she said.

Mrs AA's tears once again fell as she retold this tragic story. After three days, her and her children moved to an Ahmadiyya place in Prigi. After a year, they moved to Parung, to a home prepared by the Ahmadiyya community.

There were three people who died in the Cikeusik incident. In addition to Roni and Warsono, was Chandra Mubaro. At that time, his wife, I (Aged 36) was five months pregnant. At 5pm, I was told by her brother-in-law that there'd been an attack in Cikeusik. She was told to watch Metro TV at midnight. But I started to get nervous; 'why hadn't her husband called? Usually if he went away he'd telephone home every now and then.' When she watched TV, her husband's name wasn't mentioned so she guessed he'd run away.

Early Monday morning, the news came via telephone that Chandra had died. She immediately screamed and ran to his mother's house (which was only a few metres from her home). While

crying and screaming, "Allah, I've become a widow!" She was even more hurt when she was not allowed to see her husband's body. The condition of the body wasn't good, so it was not brought home but taken straight to the cemetery in Gondrong. When Chandra's husband's mother saw her son's body, she immediately fainted.

> "For a month I had trouble eating. But because I was pregnant, my mother kept coaxing me to eat so the baby would be healthy. But it was difficult to swallow the food," she said while crying. Still ringing in her ears were her husband's last words, "If the baby is a boy, he should become a preacher."

At the time of this study, AA and I had already married again. However, they will never be able to forget this terrible incident. Every time they spoke of it, their tears continued to flow. While Mrs BC, who had not remarried, was still very traumatised. She could still remember how she had cried while hugging her husband's stiff body. A truly tragic event that has torn apart values of humanity.

Table 4
Violations against Ahmadiyya Cikeusik, Banten

No	Form of Violation	Perpetrator
1	Persecution, killings, attacks	FPI Pandeglang
2	Destruction of homes, cars and motorbikes of Ahmadis	FPI Pandeglang
3	Refusal to bury the body of an Ahmadis in Cirebon (place of birth)	People of Cirebon
4	Blasphemy against the teachings of Ahmadiyya	People of Gondrong, Tangerang
5	Threatening, burning of homes and ban on the taking of assets/goods owned by them	Community, FPI and Head of Muara Baru, Jakarta
6	Expulsion	Community, FPI and Head of Muara Baru, Jakarta

3.2.3 Forced closure of the al-Misbah Mosque, Jatibening, Bekasi

The closure and locking of al-Misbah Mosque, Jatibening, Bekasi, was not as dramatic as the attack at Cikeusik, Manis Lor or Transito Mataram, Lombok. There was no attack, destruction, burning or loss of life. However, the closure and locking of the mosque, accompanied with violence and intimidation, brought about a dramatic atmosphere. At the time the mosque was locked, there were several Ahmadis; men, women and children, inside the mosque. They were locked in and couldn't get out because all the doors: the large gate for vehicles; the small gate for people and the middle gate to go out the back of the mosque, had all been locked by the municipal police (Satpol PP), and guarded by station police who were commanded by the Chief of Police.

Finally, after sunset, they opened the 'iron gate' beside the mosque to let out the women and children, and move the motorbikes out. While the cars had to be kept in the mosque (two cars). The men, around 20 people, stayed in to guard the mosque's assets so they wouldn't be looted. However, they couldn't get out, because the fence around the mosque was then closed with iron sheeting up to two metres high. To communicate with their families they had to talk through a hole in the small door, which was only big enough to be able to peer at people outside. According to the Ahmadis women outside, the Chief of Police said, "Anyone getting out will be charged, and anyone giving food will be arrested," said the women sadly. Mrs EL said to Komnas Perempuan Special Rapporteur:

> "Even to give food to animals in a cage, there's a small door to put the food in. But here there was no hole big enough for food. So, if we sent food, we had to get up on a chair and hold it out, so that those inside could reach it by standing on a chair too," she said.

Her face was a mix of expressions between sadness and depression. "We once sent a gallon of drinking water, but because it was heavy it fell and smashed," she added. "Basically you have to see it yourself, to know the real conditions," said Mrs EL.

In fact, Mrs EL was right. The Komnas Perempuan Special Rapporteur team who went there witnessed how difficult it was to give food to the people inside. When receiving the food, the arm of the person receiving would get stuck on the barbed wire on the mosque fence. Meanwhile, there were 20 Ahmadis inside the mosque, one of whom was a cleric who was still quite young. His wife had just given birth. Because he was locked in the mosque, his wife was taken back to the village.

"We weren't doing anything. We were only worshipping and visiting the mosque. There was no sermon, or speeches, or anything. We were just praying," he said, crying when he knew it was the Komnas Perempuan Special Rapporteur visiting. He was sad and annoyed because he couldn't go anywhere, couldn't visit his wife and see his baby, couldn't teach or do other activities".

The forced closure of the al-Misbah Mosque, Jatibening, Bekasi, was done on Friday 8 March 2013. Initiated by the Bekasi City Government, the closure was done by SATPOL PP officers supported by Pondok Gede Chief of Police and his staff, and witnessed by Muspika, MUI, and FPI, as well as television and other media crews. They also put up a large board stating the ban on activities for Ahmadiyya in Bekasi. In fact, they had not violated anything they were accused of. They had obeyed all the regulations included in the Joint Ministerial Decree (Ministry of Religion, Attorney General, Ministry of Home Affairs). "Clearly, we have become victims of a 'police contract' between the Governor and organisations hoping that Ahmadiyya be dissolved," explained the head of Lajna Imaillah.

Several days later, the Special Rapporteur spoke with a Commission from Komnas HAM asking for Komnas HAM to act towards the opening of al-Misbah Mosque, Bekasi, because what was happening there was not humane. However, to date, the efforts made by Komnas HAM were also not successful.

Following this the Ahmadis filed their case in court in regard to two matters:

1. The iron sheeting put around the mosque to close it.
2. The closure of the mosque

In court, they won the first matter, but the closure of the mosque they lost. They then appealed, but Bekasi Government also appealed, not accepting their loss on the first matter.

From the Ahmadis side, Mr Deden was appointed as head to resolve this problem. Eventually Mr Deden dared to unlock the al-Misbah mosque, Jatibening, Bekasi and school activities were held once again.

"Thank God, thanks to the Special Rapporteur and their group coming here, after I unlocked the mosque we didn't have anyone disturb us, so it could be used as it had been, even the school could be reopened until now, although the decision is still not final," he said to the Special Rapporteur".

3.2.4. Transito, NTB

The tragedy experienced by the Ahmadis in Lombok, NTB, is not that different to that experienced by Ahmadis in Cikeusik. In fact, the suffering of Ahmadis in Lombok, still continues to this day. The suffering started with the MUI fatwa (religious opinion) of 1980 that labelled Ahmadiyya as heretical, encouraging vigilante groups to persecute Ahmadis in Indonesia. This fatwa was followed up in an arrogant move by the Ministry of Religious Affairs in issuing a circular supporting this fatwa, resulting in social unrest in several areas that culminated in inhumane violence.

Expulsion of Keruak Ahmadia
Hatred and slander began to spread when on 14 August 1996 Tuan Guru Jerowaru gave a speech in remembrance of the birthday of the Prophet Muhammad (S.A.W) in Gubug Sikur hamlet, Selebung village, Ketangga district, Keruak regency, East Lombok. Tuan Guru's speech was full of incitement and slander stating that Ahmadis were sinners, godless, heretics, damaging the Islam Aqidah, and that even being Christian was better than being Ahmadiyya; people became Ahamdiyya for money, and so on. Consequently, on 1 October 1998, a mob of around fifty people who were on their way home from Friday prayers, burnt and destroyed the homes of Ahmadis and a mosque in Keranji village. Not satisfied with this, the head of the area (Ketua RT), Amaq Mahyam, Cleric Amaq Pii, and the head of the area (Ketua RW) Amak Ni'ah, led the looting of property left behind by the Ahmadis.

As a result of this attack, with fear and trepidation, six families (24 people) had to leave their homes. They went without bringing anything other than the clothes on their bodies. Some fled temporarily to their relatives in Pancor, while it is not known where the others went. They were afraid of the mob from Jerowaru, who would slaughter them if they didn't leave their religion.

Expulsion of Sambielen Amadia, Bayan
The following tragedy struck the Ahmadis in Sambielen hamlet, Loloan, Bayan District, West Lombok. Friday, 22 June 2001, a mob of around 100 people burnt down fourteen homes owned by nine families (39 Ahmadia people), one mushola, and a mosque that was being built. With arrogance they screamed the words, "Attack….! Forward…! Burn these sinners!" followed by the phrase, "Allah Akbar!"

When the mob destroyed the musholla, an Ahmadis named Papuq Hasan tried to stop them. However, the mob turned on him attacking him with sticks, stones and bricks, until he eventually collapsed helpless. His head and face were splattered with blood having been slashed with a sharp implement and struck by stones and sticks. After the situation calmed down, several

Ahmadis immediately helped Papuq Hasan and took him to Mataram hospital which is around 95 km from Bayan. However, due to lack of blood, he eventually died on the way.

Meanwhile, Inaq Ruqiah, his wife, was found in a pool of blood in a field approximately 200 metre from her home. She had been hacked by the mob when she went to find help at her family's house. She was stabbed with a knife from behind in the chest and breast, and there were eight stab wounds in her hand. Fresh blood spurted from these wounds and Inaq Ruqiah collapsed unconscious for three days.

After this incident, the Ahmadis were then taken to Pancor, East Lombok. There they stayed a night, then were moved to Mataram and stayed in the homes of Ahmadis who were there. After three months, six of the nine families moved to Empan, Sumbawa, to seek a new life. Of the others, some went to Central Lombok, others to East Lombok. However in Empan Sumbawa, these six families were only able to survive a year, after which they were again expelled by local government officials, on the grounds that the people of Empan refused to have Ahmadis stay there. Eventually they returned to Mataram. Incidents against Ahmadis in Sambielen in fact first started in 1997, then following this in 1999 and in 2000.

Expelling of Pancor Ahmadis

On 11 September 2002, destruction of Ahmadis homes and mosques occurred around Pancor, East Lombok. This action was triggered by Tuan Guru Sepu Nahdlatul Wathan (NW)'s speech which incited the people to distance themselves from and to hate the Ahmadis. Not long afterwards there was pressure and intimidation put on the Ahmadis.

On 10 September 2003, when the leaders of Pancor Ahmadia were holding a monthly meeting in the mosque, they were struck by stones from outside. When they asked the reason for this throwing of stones, they received the reply, "It's a waste of time you worshiping, because you're sinners, not Muslims." The Pancor Ahmadia leaders then reported to authorities, who sent a two-car police patrol to guard the mosque.

Several moments later, around 1000 people came to destroy the al-Khilafat mosque. Although there were police officers already guarding, because of the large size of the mob they could not prevent the throwing of stones which caused rather serious damage. After that they ransacked homes, looted TVs and motorbikes, and even tried to kill the home occupants, while screaming, "Ahmadis are sinners, kill Ahmadis". They also looted the property owned by 383 Ahmadis who had fled to East Lombok Police.

In the police station, Ahmadis also experienced pressure and intimidation to force them out of their religion. They were only given food rations from the local government in the form of rice and instant noodles without cooking utensils so they were unable to cook. Many children cried from hunger, but the people didn't dare sell rice to them. They were forced to find rice outside the Selong region.

The women's hearts were torn with sadness, but they continued to be stubborn and loyal to Allah, although they couldn't hide the tears falling from their eyes. Eventually they were evacuated to Transito Mataram hostel, leaving behind their place of birth and their property to this day.

Expulsion of Ketapang Ahmadis

Attacks on Ahmadis in Ketapang hamlet, Gegerung, Lingsar district, West Lombok regency have occurred twice. The first attack occurred on 19 October 2005, as a reaction to the preaching by Tuan Guru H. Muhammad Izzi, which invited the people of Ketapang hamlet to expel the Ahmadis living in BTN Bumi Asri housing complex Ketapang. During the night, a mob attacked the Ahmadis of Bumi Asri housing complex Ketapang. At that time, a woman in the early stages of pregnancy ran out while holding her four-year-old child. Consequently ,she miscarried her unborn child. Women experienced severe trauma, running out to the rice fields around the housing complex.

On 4 February 2006, a mob came from the east, approaching the Ahmadis homes in the BTN housing complex. Those who were in their homes were ordered by officials to come out, then forced to stand under the hot sun (from 1:30pm to 2:30pm), including the elderly, a child with a disability who had to be held by his mother, blind people, and small children. They moaned, the children cried from the heat, but none of this touched the hearts of the security officials.

Not long afterwards, shouting was heard on the loudspeaker, "For those who are still strong, men, young and old, come out together to forcibly expel the Ahmadis". Simultaneously the people attacked, destroying and burning the homes of the Ahmadis in BTN Bumi Asri Ketapang. The police officials appeared to allow the attackers to burn and destroy the homes of Ahmadis. They eventually were forcibly evacuated by officials. However, in the cars, they continued to be treated roughly, pulled and pushed by officials.

As a result of this attack, six homes were burnt down, 18 homes were severely damaged, two motorbikes and 1 bike were burnt. They also looted the property and livestock of the Ahmadis. They were then placed in Transito hostel where the conditions were quite concerning.

Here, they had to make a place to stay from pieces of sarongs or old banners which were tied with plastic, then connected up to make small rooms. The children appeared to be malnourished, and many left school. Amongst the group there were those who were stressed and had mental health problems such that they had to be nursed at the psychiatric hospital.

Their lives lacked many things, because their food was handed out by the Department of Social Affairs. They were often ping-ponged from place to place and were only finally given help when they looked exhausted. However, they faced everything bravely and with patience. This rather concerning situation was never seriously addressed by the government, and so their cases have been allowed to remain without resolution. Those behind the destruction were also allowed to roam free, without any meaningful legal process.

To date there are 33 families recorded to be living in the Transito Mataram location. They have been left hanging in this temporary housing without clear residential status.

When they want to arrange their ID in the local village, they are refused, on the grounds that they are outsiders or newcomers. However, when they go to arrange their ID in their own village, the head of the village refuses, because they are no longer considered to be of that village.

Mrs Hy who lives in Transito Mataram said:

> "We have been left hanging in this temporary housing, without clear residential status. Our efforts as displaced people to get ID have failed. The government gives the impression of shifting responsibility without a clear answer, when in fact we are people of NTB. Although there is an electronic ID program, displaced people are still ignored. They are not given an electronic ID because the village head and local leaders don't want to give an introductory ID of residence to us," she said.

Table 5

Violations against Ahmadis in Transito NTB

No	Region	Form of Violation	Perpetrator	Place displaced to
1	Keruak	Incitement and slander Burning and destruction of homes and mosques Looting of property Expulsion and threats	Religious Leaders Public Property led by the village heads and community leaders Public	Pancor
2	Sambielen Bayan	Burning of homes, *musholla* and mosques Persecution leading to death Beatings and stabbings Expulsion	Public Public Public Local Officals (Empan Sumbawa)	- Pancor - Mataram
3	Pancor	Destruction of homes and mosque Incitement and slander Throwing of stones at mosque Destruction of al-Khilafat mosque	Public Religious leaders Public Public	-Lombok Police -Transito hostel, Mataram
4	Ketapang	Incitement and slander Expulsion Attack resulting in miscarriage Torture by forcing to stand out under the sun attack, damage, burning and destruction of homes Forced evacuation Looting Neglect	Religious Leaders People of Ketapang village Public Public Public Police officials Public Department of Social Affairs Ketapang	

In mid 2014 the occupants of Transito could breathe a small sigh of relief. The NTB Government, in letter No. 451/726/Adm.Kesra dated 30 July 2014 ordered the Civil Registry to provide ID cards and birth certificates to Ahmadis. Now they can have an ID and can register their marriage at the local Religious Affairs office. Unfortunately, they are still unable to use their property assets from their home town. They are still traumatised; when building homes, they are afraid it will be torn down again like before. Furthermore, at the same time this letter still states Ahmadiyya teaching as heretical and therefore requiring education, "in order they return to the correct way".

3.3 GKI Taman Yasmin

The case of intolerance and violation of the right to freedom of religion experienced by the GKI congregation of Taman Yasmin was quite convoluted. At the start, GKI Yasmin were given permission to build a church through Bogor mayor decree no. 645:8-372 in 2006 signed by the Head of Bogor City and Park Planning or the Mayor of Bogor. However, controversy over the building of GKI Taman Yasmin Church began to emerge when Hizbut Tahir Indonesia (HTI) together with a number of other Islamic organisations started to protest.

The head of City and Park Planning Bogor responded to this by issuing Letter No. 503/208 DTKP on the Freezing of the Permit to Build GKB Taman Yasmin. This letter was then supported by the Mayor of Bogor, Diani Budiarto by issuing Mayor Decree No. 503/367 HUK on the Cancelation of the Bogor Mayor Recommendation which was contained in letter No. Permit to Build 601/389/PEM. Consequently, there was still refusal against the building of the church. These actions which were loaded with political interests, continued with the forcible closure and locking of the church. While Bogor police, under the leadership of Superintendent Nugroho Slamet Wibowo, took security measures that in fact showed their bias to the other organizations, even making compromises with the acts of the Bogor city government which had refused the presence of GKI Taman Yasmin. Consequently, GKI Taman Yasmin congregation could not worship in their own church building.

Forcible closure and locking of the church gate

The act of forcible closure and locking the gate of GKI Taman Yasmin occurred on 11 March 2010 and has continued to the writing of this report. Like a game of cat and mouse, every time the gate was locked by the Satpol PP of Bogor City, several days later, the people of GKI Taman Yasmin made attempts to open it. Until finally, the locking and forcible closure was carried out again by the police before Christmas celebrations of 2010.

Then, guarded by Bogor police, on 12 March 2011, Satpol PP of Bogor City closed and locked once again the GKI Taman Yasmin church. The next day, 13 March 2011, police again forcibly disbanded the people of GKI Taman Yasmin, but the people refused and continued worshiping on the footpath of the main road, or in the middle of KH Abdullah bin Nuh road.

Legal Process

After the publishing of City and Park Planning Letter No. 503/208-DTKP, GKI Yasmin then took legal recourse. The results obtained from the legal process were:

1. Decision of Bandung Administration Court No. 41/G/2008/PTUN-BDG dated 4 September 2008, stating that the head of the City Planning and Parks letter No. 503/208-DTKP on the freezing of the permit dated 14 February had been REVOKED.
2. Bogor City Government appealed this decision. Jakarta High Court of Administration strengthened Bandung Administration Court Decision No. 41/G/2008/PTUN-BDG dated 4 September 2008, which had been appealed, with decision No. 241/B/2008/PT.TUN.JKT dated 2 February 2009
3. On 9 December 2010, a Supreme Court Decision stated that Bogor Government's request could not be accepted and strengthened the decision of Bandung Administration Court.
4. On 31 December 2010 a meeting was held between Bogor City Government and Muspida Bogor City and representatives of GKI Yasmin as well as the head of Muslim Families Bogor. The meeting agreed that the Bogor Government would obey and uphold the reviewed verdict of the Supreme Court whatever the result, and for the time being GKI Yasmin were requested not to hold worship services in the church until the Supreme Court Appeal's decision. So for the month of January and February 2011, the GKI Yasmin congregation worshiped in the Yasmin Centre Harmony Building
5. Despite this, the Bogor Mayor did not carry out the Supreme Court decision and since April 2010 has not unlocked the building.

Supreme Court Decision dated 9 December 2010 stating that the Bogor Government request could not be accepted, strengthened the Bandung Administrative Court decision even further. However, it appeared to go unheeded by Bogor Mayor, Diani Budiarto. Not only acting insubordinately by not implementing this Supreme Court decision, the mayor even conveyed a message of hate by saying, "It's up to them, whether they want to worship or go to war". This statement by a state/public official provoked and encouraged intolerance within a community vulnerable due to the actions of religious and political elite. The people, both individually and in groups, went along with this exploitative attitude that politicises religion.

Meanwhile, the spreading of messages of hatred by religious organisations at the religious rally on 31 December 2010 with the theme, "Peaceful Action: People Unite Together Rejecting the Apostasy Agenda," was also inadequately addressed by the Bogor police. In fact, on 13 May 2011 the police continued to focus on dispersing and expelling the GKI Taman Yasmin congregation while allowing Forkami to continue their protest.

State Response

1. President of the Republic of Indonesia

On Monday, 13 February 2012, in a press conference, President SBY stated that the entire handling of the GKI Yasmin conflict was in the hands of the Bogor government and the Governor of West Java with the help of several Ministries. On Wednesday, 15 February 2012, before 128 foreign state representatives President SBY stated:

- The GKI Yasmin problem was a problem of permits and community relations. The Government was handling the problem within the courts and through other means.
- The President had encouraged the Bogor Mayor and Governor of West Java to quickly resolve this problem. The central government, through the Ministry of Internal Affairs continued to provide assistance.
- It was ensured the Ahmadis and GKI Yasmin would continue to have freedom of religion.

2. Supreme Court

The Supreme Court issued letter No. 45/Td.TUN/VI/2011 stating that the disputing parties were obliged to implement the court decision that had already entered into binding legal force.

3. Recommendation of the Republic of Indonesia Ombudsman (ORI)

In letter no: 0011/REK/0259.2010/BS-15/VII/2011 it stated that the actions of Bogor Mayor in publishing Decree no: 645.45-137 / 2011 dated 11 March 2011 was a form of maladministration and against the law and therefore had to be revoked.

4. Ministry of Internal Affairs

The Ministry of Internal Affairs facilitated a meeting between GKI Yasmin and the Bogor Government in December 2011. However, according to GKI Yasmin this meeting was an effort to relocate GKI Yasmin to a place prepared by the government.

5. Republic of Indonesia Parliament

a. On 15 September 2011, Commission III of the Republic of Indonesia Parliament held a public hearing with Bogor City Mayor Diani Budiarto and other staff of Bogor Government. Members of Commission III criticised the actions of Bogor Mayor which were assessed as not heeding the law and constitution of the state. However, after the hearing the congregation of GKI Yasmin continued to worship on the footpath.
b. The Republic of Indonesia Parliament joint meeting session urged the central and regional government to immediately fully resolve the problem of GKI Yasmin Bogor for the sake of a peaceful, safe and orderly life in the community.

6. Komnas HAM

Komnas HAM deeply regrets the disobedience of officials of state administration in the Bogor Government who were insubordinate to the legally binding court decision.

7. Komnas Perempuan

Komnas Perempuan through letters and press releases reminded the Mayor of Bogor of their responsibility to guarantee the fulfilment of the people's constitutional rights, particularly the right to freedom of religions according to the Republic of Indonesia Constitution.

Facing attitudes and statements of state officials who politicised religion in this way, Mrs N, a member of GKI Yasmin conveyed her feelings as follows:

> "Frankly, I became emotional, annoyed and cross. There was a spiritual battle going on inside of me. However, I tried to control it, I didn't want my emotions to explode. Then I said, "Police, you are not against us, you are against God. We don't feel there is justice; because we, the victims, are actually kept detained, but the attackers are not," she said with emotion in her voice.

Such experiences have made the women of Taman Yasmin congregation traumatised. Every day leading up to the Sunday service, they feel great fear, imagining threats and pressure they might face while worshiping making them nervous and restless. EC, one of the GKI Yasmin congregations said;

> "If we start to sing and pray the yelling to make us disperse gets louder. The demonstrators (who use loudspeakers) are very close to the tent (the place of worship)," she said.

For reasons of safety, the children do not worship together with the parents, but in another place. This is felt to greatly disturb the harmony of the family, where the Sunday service is a joint activity. It also means additional costs that have to be paid. However, what the women most worry about is their children's mental health. They often witness acts of violence and pressure put on the GKI Yasmin congregation by certain groups while they are worshipping. The children will definitely experience prolonged trauma, maybe even effecting them later as adults. This is indeed true. One of Mrs N's children who is still in Junior High School for example said, "Why are they like this. We only want to worship, in our own church, why do they ban it?" Since then there has emerged a feeling of hatred in his heart, to other people, and especially towards the police.

Table 6

Forms of Violation of Freedom of Religion/Belief committee by the State against GKI Yasmin

No	Form of Violation
I	**Criminal Acts of Citizens**
1	Intimidation
2	Statements of state officials encouraging intolerance and violence
3	Ban on worship and religious activities
4	Ban on establishing a place of worship
5	Giving permission to forcibly close
6	Damaging place of worship
7	Forcibly closing place of worship
8	Repressive and discriminative policies
9	Surveillance
10	Forced stopping of worship activities
II	**Citizen Intolerance**
1	Allowing violence
2	Lack of legal process
3	Insubordination towards a Supreme Court decision.

Meanwhile, according to Mrs Ag, one of the members of Forkami, they undertook action against GKI Yasmin because GKI Yasmin was wanting to convert others to Christianity.

> "In this neighbourhood, there are only a few Christians. The congregation only has three people and there is already a church. So why do they have to build another church? Isn't that an indication that they are converting people? We also demonstrate against them so they don't worship on the side of the road," she said.

However, more and more violence and discrimination does not necessarily change someone's beliefs, and can often have the opposite effect. The women who the Special Rapporteur and her team met showed their determination to fight and defend their beliefs, right to freedom of religion, and also their lives. They are not afraid, even though they have to face the worst possibility. The women of GKI Yasmin for example once spent the whole night at the location of the church to prevent security officials and Bogor SATPOL PP from parking their cars and motorbikes on the footpath in front of the church so that they could use the location for Sunday worship the following day. J, a member of GKI Yasmin said,

> "There have been a few times we camped in front of the church. Because the police tried to block it, parking their cars on the footpath. If they drive up on the footpath, there's no space to worship. The women of the church slept here the night, so that they could hold onto the space. The women were very annoyed, see, here are the photos. The whole night they were in front of the church. They slept there until the morning. They were guarding the church so that it wouldn't be closed, but in the end it was closed anyway."

The determination to continue to fight despite the rigid attitude of the central and regional government led the women to build mechanisms to strengthen and remind each other. Telling their stories to each other helps them recover from feelings of disappointment, sadness, and anger about the situation they face. The determination of the women, as shown in GKI Yasmin, is a source of strength for the community in their struggle.

They also display this persistence by holding their worship services in the GKI Yasmin neighbourhood even though they have to hide, and in front of the Istana Merdeka, Jakarta, every two weeks since 2013. This service is held for an hour at one p.m., under the hot sun or pouring rain. This service is held together with people from HKBP Filadelfia and is often joined by people from other churches who also cannot build places of worship. In this service, women always outnumber men.

For women and the congregation of GKI Yasmin, worshipping in front of Istana Merdeka is not just a struggle for their rights to a place of worship. More than that, because they already have the court's ruling, this worship conducted with solidarity across religions, is a struggle for the Constitution itself: a commitment to Indonesia as a country that follows the rule of law, and a country that protects all citizens without exception, including the enjoyment of freedom to choose religion/beliefs and worship according to these religion and beliefs and the commitment of the nation of Indonesia to respect and protect diversity.

Towards the end of 2014, GKI Yasmin hopes to hold a church service at the location of the church. However, uncertainty appears to be preventing this. Bima Arya, Bogor Mayor, who has just been elected in April 2014, has not yet been able to display leadership by not bowing to the demands of the majority in opposing the law in the name of religion. Our hope hangs on the new national leadership, that being President Joko Widodo, who in the time of his campaign promised to protect diversity in Indonesia and struggle for the fulfilment of constitutional rights.

3.4 Huria Christian Batak Protestant (HKBP)

3.4.1. Huria Christian Batak Protestan (HKBP) Ciketing

Huria Christian Batak Protestant (HKBP) is a group that has faced intolerance and violence from the community and also criminalisation by the State. HKBP Pondok Timur Indah, Bekasi has been around since 1990. Initially there were no problems. The HKBP PTI congregation held their services in various homes. However, when the congregation grew (around 200 families or 1000 people), they initiated the buying of 2000 square metres of land in RT (neighbourhood) 003/006 Mustika Jaya, Bekasi. At this point an attitude of intolerance began to emerge in the community. Some of the surrounding people began talking of the pros and cons. The congregation was often bothered while they were worshiping. Eventually the congregation tried to negotiate with the Bekasi Government. However, on the urging and demands from a community group acting in the name of Islam, the Bekasi mayor, Mokhtar Muhammad, issued a ban on worship for the HKBP congregation. This letter was then made the basis for sealing the place of worship for the HKBP PTI congregation in Puyuh Raya Road.

Since then, various acts of violence and intimidation have been committed against HKBP PTI congregation while they have been worshiping. In short, the chronology of acts of violence and intimidation experienced is as follows:

- 11 July 2010: Various forms of threats and terrorising, as well as other disturbances, while the service was being held. This very much disturbed the concentration of the people worshiping, despite being tightly guarded by the police and army.

- 25 July 2010: While the HKBP congregation were worshiping, they began to hear yelling and provocations directed at them by a group of people opposing them. Approximately 20 police officers equipped with shields and two tear gas rifles then made a formation to separate the congregation from the mob. Eventually, after finishing the service, under guard by police officers, the congregation could return safely home.
- 1 August 2010: On arriving at the place of worship, many police officers blocked the people of HKBP and tried to persuade them to leave the location, because, according to police, the situation wasn't safe and things were heating up. This was true. An increasingly large mob, reaching in the hundreds, began to surge towards the congregation breaking through the police blockade consisting of +/- 1 platoon of Metropoliton Mobile Police (Brimob), several personnel from Bekasi Police and around 20 member of Satpol PP. There was pushing and shoving between the mob and police.

  Suddenly the mob that had gathered in the yard of Cleric Syahri (Head of Formasi Ummat Islam Mustika Jaya) ran towards the location of the service and began directly attacking the people. The police officers seemed less than agile, even slow in responding to the actions of the mob. Consequently, many of the congregation fell, and were hit and kicked by the mob.
- 8 August 2010 : Before HKBP PTI arrived at the place of worship, at approximately 8 a.m. a mob numbering around 450 people had already arrived at the land owned by the HKBP congregation. The mob of unknown people formed a blockade to keep out the congregation and made speeches. They asked the police officers and Satpol PP to immediately evacuate the HKBP PTI congregation because, if not, they wouldn't be responsible if acts of anarchy or undesirable things occurred.

  Around 8:30 a.m., the rather large mob succeeded in breaking through the police barricade and chased the congregation, who ran for protection behind the officer's vehicles. The mob grew increasingly angry and threw stones and bottles of mineral water at the congregation. Eventually the officials asked the HKBP PTI congregation to disperse because police were unable to guarantee their safety.

  At 9:10 the mob again broke through the barricade made by police officers. They immediately attacked, throwing things and hitting the people. Police were not seen to be doing anything to prevent it. The chasing and beating only stopped around 9:23 when the congregation were no longer at the location.

- 12 September 2010: At that time the HKBP congregation who lived in Puyuh Raya housing were heading towards the empty land in Ciketing, Bekasi. They were guarded by police officers under the leadership of First Brigadier Galih Setiawan. Around 8:40 suddenly four people appeared riding motorbikes and immediately stabbed Elder

Hasian Luban Toruan Sihombing in the stomach. First Brigadier Galih, who at the time was at the front, immediately turned and took Hasian Sihombing on his motorbike, helped by Minister Luspida Simanjuntak. When they went to leave for the hospital, unexpectedly, someone on a motorbike then hit Minister Luspida with a block of wood; injuring Minister Luspida on the back of the head, back, and forehead. However, those responsible for the stabbing were sentenced to only seven months in prison.

3.4.2. HKBP Filadelfia

April 2000, HKBP Filadelfia, which is located in Jejalen Jaya village, Mangun Jaya village, Satria Jaya Village and Sumber Jaya village, was built. From the start, their Sunday service, held in different homes, faced resistance from the neighbours, even from the local village heads. Eventually many homes could not be used as places of worship.

In 2003, HKBP Filadelfia decided to buy a plot of land, then build two shop-house units, with the aim of making them a place of worship. Again the surrounding people opposed the use of a shop as a place of worship. Eventually HKBP Filadelfia went back to worshiping at different homes.

However, on 2 April 2006 the leaders of Filadelfia were forced by the community to sign a statement that had been made, not to hold worship services in Villa Bekasi Indah 2 housing complex, particularly in Block C of Villa Bekasi Indah 2 housing complex. The reason being, that the worship service was extremely disturbing for the neighbours. Eventually the decision was made to buy land and build a church as a place of worship.

Following this, HKBP Filadelfia bought from the locals a plot of land in Rt 01 Rw 09 Jejalen Jaya III village, Tambun Utara District, Bekasi Regency, West Java. From the start they told the residents that the land would be used as a place of worship. After all the requirements, agreements and support from the local people had been met, HKBP Filadelfia put in a request for a permit to build a church to Bekasi Regent, Head of the Department of Religious Affairs Bekasi Regency, FKUB Bekasi Regency and North Tambun village head.

These requests went unanswered, and eventually they decided to hold a service in the location where the church would be built. They continually faced disturbances to their service, but at their first service, Christmas day 2009, they faced a demonstration by the community. The road leading to the location was closed by demonstrators who filled the street. When most of the HKBP Filadelfia congregation had arrived and began their service, the demonstrators, who were already at the church gate, began to beat two large drums, screaming, "Disperse, disperse, disperse!" Every now and then they threw stones at the church. The army and police officers

stood guard at the church gate while the service was being held. At that moment, the Chief of police and members of Korem (a division of the Indonesian Military) appeared to be involved in speaking with the church building committee and community leaders. Not long afterwards, the yells of the demonstrators could no longer be heard. They quickly dispersed. After the service finished, the police officers gave an explanation and advice to members of the congregation about permit requirements for places of worship. After that, the congregation dispersed and went back to their homes in an orderly manner. On 31 December 2009, Bekasi Regent issued Bekasi Regent Decree No 300/675/ kesbangpol linmas/09 banning the building of the church.

The second service held by the HKBP Filadelfia congregation also faced a demonstration. At the third service (3 January 2010) demonstrators had been at the location since 6 am. In the end, the congregation worshiped in the Jejalen Jaya City Hall. However, also on that day, HKBP Filadelfia received a letter from the Bekasi Regent with orders to stop building and worship activities at the location of the HKBP Filadelfia church and the village hall.

On 12 January 2010, the Bekasi Government suddenly, randomly, and without prior warning, forcibly closed the HKBP Filadelfia church. This issue was then taken to Komnas HAM. On 15 January 2010 HKBP received a copy of Komnas HAM's letter to Bekasi Regent, but there was still no result. They were forced to worship in front of the church fence, with newspaper on the ground and the sky above them.

Since worshiping on the side of the road, HKBP Filadelfia has been terrorised, intimidated and disturbed, had feces, dead animals, and rotten eggs thrown at them, faced insulting graffiti, and raucous voices through a loud speaker, and so on. Every week since January 2012 the level of disturbance from intolerant groups has been continually increasing. Amidst this intolerance, the Special Rapporteur also noted that there have been threats of rape against women from interfaith communities who have been monitoring the situation and rejection of the HKBP Filadelfia church.

On 30 March 2012 HKBP Filadelfia was forced to sign a memorandum of understanding by hundreds of demonstrators, witnessed by the village head, Head of the Division of Law, Kesbangpol (Agency for National and Political Unity), FKUB, Kabag Operasional Polres Bekasi and elements of Muspika Tambun Utara District. The contents of the memorandum were as follows:

- HKBP Filadelfia is permitted to worship on Sunday 1 April, Good Friday 6 April and Easter Sunday, 8 April 2012. After that, they are not permitted.
- The Bekasi Government will seek a place or relocate the place for HKBP Filadelfia services outside of Jejalen Jaya village.

On 22 April 2012, the police, Bekasi Government, Head of North Tambun village, head of Jejalen Jaya village and head of Satpol PP Bekasi requested the HKBP Filadelfia congregation to relocate services to Guru Cuilding, Jl. Kalimaya I Metland Cibitung, which was around 9 km from the location of the church. Leaders of HKBP tried to negotiate with government officials without result.

HKBP Filadelfia congregation bravely continued to worship at the location of the church, despite facing Satpol PP and intolerant mobs of people. And, as usual, security personnel, meaning the police, merely observed and didn't take firm action to get rid of the intolerant mobs: Were they afraid or were they condoning the act?

In February 2010, HKBP Filadelfia held a public meeting with Commission III of the Republic of Indonesia Parliament. HKBP Filadelfia then brought the case to Bandung Adminsitration court in March 2010 by bringing together and requesting the help of 31 lawyers from various legal offices as the legal team for HKBP Filadelfia.

On 30 September 2010, the HKBP case as won by Bandung Administration court with four decisions:

1. Granting the Plaintiffs lawsuit in full.
2. Stating the cancelation of Bekasi Decree No. 300/675 Kesbangoplinmas/09, dated 31 December 2009, on: Stopping the Building and Worship Activities, Huria Kristen Batak Protestan (HKBP) Filadelfia, of neighbourhood RT 01 RW 09 Village III Jejalen Jaya, Tambun Utara District, Bekasi Regency, West Java, which was issued by the defendant.
3. Ordering the defendant to revoke Bekasi Decree No. 300/675/Kesbanponlinmas/09, dated 31 December 2009, on: Stopping of Building and Worship Activities, Huria Kristen Batak Protestan (HKBP) Filadelfia church, of neighbourhood RT 01 RW 09 Village III Jejalen Jaya, North Tambun, Bekasi Regency, West Java, which was issued by the defendant.
4. Ordering the defendant to process the permit that had been requested by the plaintiff and give a permit to build a house of worship in line with the prevailing regulations.

The Mayor of Bekasi then put in an appeal against the Bandung Court. However, the Jakarta High Court State Administration on 30 March 2011 No. 225/B/2010/PT.TUN.JKT re-strengthened the previous court decision, and also ordered the Mayor to immediately issue a building permit for HKBP Filadelfia.

However, this court decision also went unheeded by the Bekasi Regency Government. Worshiping amidst threats, curses, swearing, and provocative speeches over the very loud loudspeaker, made the atmosphere at the HKBP Filadelfia church feel tense and scary, even more so for the women. They remained quiet, bowed in fear, nervous, glancing every now and then at the intolerant mob making inciting movements. In such circumstances they could only cry and pray.
Mrs R, a member of HKBP Filadelfia told of her feelings when attacks occurred.

> "Every Saturday, I start to feel nervous. On Sunday, my hands feel entirely cold, and my body shakes. I imagine their cruel faces. I feel annoyed and hate them," she said. She then continued, "With attacks like this, the children come to hate certain religions. More so if their friends join in the demonstration. Eventually the children keep their distance," she said.

Mrs B feels the same way. She's always sad and afraid when she thinks of the cruel and sinister faces. The atmosphere is so tense, especially when they have faeces, rotten eggs, etc, thrown at them. Meanwhile, Mrs R expressed her feelings of sadness, anger, annoyance, and stress, all mixed into one.

> "I'm sad," she told the Special Rapporteur, "because we cannot meet with God every week. – I start grumbling, because they act like that – shouldn't all religions love each other. The children rarely go to church and hear the Word of God. As a result, they start to reject the advice we give them."

For Mrs C, the moment that made her feel very oppressed and down was in 2012.

> "At that time, I saw the most brutal within the mob were women. There were also children 14 -1 6 years old involved. This is clearly teaching children how to be brutal! However, in this long process of building our church, I keep trying to learn from the experience," she said with a brave face and voice.

Because they want to keep the children away from violent situations, Sunday school has been held at another church around 2.5 km away since 2012. They could only start the activity at one pm; which didn't feel like a good time for the children, many of whom were sleepy. For parents, this location also resulted in a new burden. The worship for adults was also held in another church which was located around 5 km from where the church was to be established and in a different direction to the church where the Sunday school was held. This meant they had to spend more time and money taking the children and going to church. Then, if the church they were in had a whole-day event, the service and Sunday Schools could not be held.

How long would they have to worship like this? The answer is still unclear. What is clear, is that from March 2013 to the writing of this report, the HKBP Filadelfia congregation has held a service every two weeks on the street in front of the Istana Merdeka together with the GKI Yasmin community. Unfortunately, at the time of writing this report, there has been no firm government effort to uphold the court decision. This Christmas, 2013, HKBP Filadelfia and GKI Yasmin looked like they would still hold their service in front of the palace.

3.5. Baha'i

The Baha'i religion is a stand along religion and not a branch or cult from any other religion. Baha'i is recognised by 188 countries, is in 45 territorial regions in the world, and is formally represented at the United Nations. Similarly to other religions, Baha'i is a universal religion. Bahaullah (meaning Almighty God) is the bearer of revelation of the Baha'i religion. According to history, the first time Baha'i came to Indonesia was in 1885, brought by two merchants who came from Persia to Turkey; Jamal Effendi and Mustafa Rumi. At the start of the 21 century, there were approximately six million followers of Baha'i, living in over two hundred countries around the world.

As a stand- alone religion, Baha'i has bearers or founders, laws in the holy scriptures, including laws about worship, marriage, and administration, as well as people with certain characteristics.

One of the characteristics is, followers of Baha'i hold open and informal activities in the form of groups for learning while playing for children and teenagers, from various social, education, race, nationality and religious backgrounds. Anyone can join in these activities whenever they like. These activities aim to educate and build the character of children and teenagers so they have a strong moral basis and character and can avoid negative influences and impacts from their environment. It is not at all aimed at influencing a person's faith. The spirit of openness in the Baha'i activities is based on one of the principles of the religion, that being to seek the truth independently.

On 15 August 1962, President Sukarno issued Presidential Decision No. 284 / 1962 on bans against seven organisations, including Baha'i. In the time of President Suharto's administration, Baha'i was also banned. When K. H. Abdurrahman Wahid became president, **the ban against Baha'i was revoked through President Decision No. 69 / 2000**.[9] However, this policy did not appear to be well known by law enforcers and state officials, let alone the public. Consequently, Baha'i continued to face discrimination and even criminalisation.

9 Presidential Decree No. 69 / 2000 on Repeal of Presidential Decree No. 264 / 1962 on the Ban of Democracy League Organisation, Rotary Club, Divine Life Society, Vrijmetselaren-Loge, Moral Rearmament Movement, Ancient Mystical Organisation of Rosi Crucians (AMORC), and Bahai. This Presidential Decree can be seen in attachment 15.

Although the Baha'i religion has now spread across nearly every province in the archipelago, and the ban against them has been revoked, followers of Baha'i cannot write their religion in the column for religion on their ID card. To this date they still have to put a dash or write another 'official' religion in this column. Followers of Baha'i also cannot register their marriage at the civil registry office, on the grounds that Baha'i is not an official religion of Indonesia. Consequently, their children's birth certificates have the child's status as 'born out of wedlock' from (name of mother) and on the following page in the notes section the name of the father is recorded. Baha'i children also do not get lessons about the Baha'i religion. Consequently, they do not get a mark for religion in their report card, except if they go along to the lessons on another religion. To accommodate education needs, a number of Baha'i children move schools.

Because it is still considered a cult, the East Luwuk South Sulawesi Supervision committee on Cults and Sects has banned the spread of Baha'i since 2008. The East Luwuk South Sulawesi Supervision committee on Cults and Sects included the Baha'i religion in the list of cults that disturb the public. In Pati, Central Java and in several regions of Indonesia, followers of Baha'i religion cannot be buried in a public cemetery because it is considered to be a cult. Therefore, they are forced to be buried on their own land.

In 2010 there occurred cases of criminalisation against two members of Baha'i in the East Lampung region. Syahroni and Iwan Purwanto, occupants of Sidorejo village, Sekampung Udik District, East Lampung regency were accused of spreading the Baha'i religion to underage children in lessons on 1 June 2010. Originally they were taken to the village hall and required to choose between (1) leaving the Baha'i religion, changing to another religion and stop proselytising Baha'i religion, or (2) leaving Sidorejo village. Because they chose to stick to the Baha'i religion and to keep living in Sidorejo, they were taken to East Lampung police office to avoid further violence.

On the urgings of the mob and supported by the head of Sekampung Udik, the Head of MUI East Lampung regency, the head of KUA Sekampung Udik, Sidorejo village Secretary, and religious leaders in East Lampung, police prepared the dossier. On 8 June 2010 Syahroni 'surrendered' and went along with the police request to sign the dossier. He officially became a suspect with the charge of violating Article 86 Act No 23 / 2002 on the Protection of Children and Article 55 paragraph 1 of the Criminal Code. Article 86 Act 23 / 2002 reads:

> "Anyone who intentionally uses trickery, lies, or coaxes children to choose another religion not their own, when in fact it is known or could be guessed that this child is not yet able to rationally or responsibly choose their religions may be sentenced to a maximum of five years and/or a fine of up to Rp. 100,000,000 ."

Furthermore, Iwan Purwanto was stipulated as a suspect on the same charge on 21 June 2010. Their cases were heard at Sukadana District Court. The panel of judges then decided that Syahroni and Iwan Purwanto had been legally and convincingly proven guilty of violating Article 86 Act 23 / 2002 and Article 55 paragraph 1 of the criminal code. Through decision dated 16 November 2010, No. 244/Pid.B/2010/PN.Skd the panel of judges handed out the verdict of five years imprisonment minus the detainment period for Syahroni and Iwan Purwanto, and a fine of Rp 50 million each supplementary three months imprisonment.

Syahroni and Iwan Purwanto appealed this decision. Consequently, the Tanjungkarang High Court Panel of Judges on 28 January 2011 were in agreement with the consideration of the court of first instance. Therefore, Syahroni and Iwan Purwanto then took their case to the Supreme Court. On 29 April 2011, the Supreme Court decided to reject their case. Because they didn't get a copy of the Supreme Court decision, they couldn't take their case to the next level. Eventually, after completing their imprisonment, Syahroni on 20 August 2013 and Irwan Purwanto on 14 September were given conditional release and obliged to report once a week to the Lampung police office.

The criminalization of Syahroni and Iwan Purwanto also brought suffering on their families (wives and children). They went through difficult times due to intimidation, being threatened, chased away and sneered at. In July 2010, the shop that had been their source of livelihood, was forcibly closed by the community around the market for approximately one year. They were also terrorised and threatened in order that they would leave Baha'i. If they refused they would have to leave Sekampung Udik (Sidorejo-East Lampung). However, after their husbands were released, the situation improved, even though their husbands and the wives themselves had to readapt to the environment around them. They also had to reorganise their life plan for the future, as well as what work they would do, given that their economic situation up till then had been quite concerning.

Table 7

Forms of violation of freedom of religion/beliefs against the Baha'i Group

No	Location of case	Form of Violation
Citizen intolerance		
1	East Uwuh, South Sulawesi	Violation on the spreading of religion
2	Tulung Agung, East Java	Intolerance
3	Pati, East Java	Ban on burying in a public place
Criminalisation of citizens		
1	East Lampung	Criminalisation

Related to the Baha'i issue, the Special Rapporteur then obtained information that the results of the Ministry of Religious Affairs Research and Training Body showed that Baha'i is its own religion. This was conveyed through letter No. P.1/TL/2303/2012 dated 1 November 2012 to the Head of Bandung Ministry of Religious Affairs Office. This letter then requested information from the Head of the Office about the Baha'i religion after there was negative news about the Baha'i religion in the media. This news was published related to the situation experienced by SI, a13 year old Baha'i child who went to 1 Cimaung junior high school, Cipinang village, Cimaung district, Banjaran Bandung regency. He experienced difficulties in religious education because he was of Baha'i religion. The solution at the time was for him to join the Christian religion education lessons.

That Baha'i is its own religion and because of that it is protected according to stipulation Article 29, Article 28E and Article 28I of the 1945 Constitution confirmed in Ministry of Religious Affairs letter No. MA/276/2014 dated 24 July 2014. Results of the Ministry of Religious Affairs survey show that there are at least 700 followers of Baha'i spread across a number of cities in Indonesia. Despite already having this confirmation, followers of Baha'i until now still face difficulties in obtaining ID card, registering marriages and obtaining religious education in line with their beliefs.

3.6. Shia

Culturally, Shia Nusantara Islam came to Indonesia through trade and proselytising channels with traders from Gujarat, India and the clerics from Hadramaut. It is said that the Sultan Sayyid Maulana 'Abd al-Aziz Syah who led the first Islamic Kingdom in the Archipelago, that being the Peureulak (Perlak) Kingdom which was established in 225H/584M, was a Shia follower (Jamil, 1968 in an excerpt of Hasjmi, 1993). Because Shia has been spreading across Indonesia for the last couple of centuries, it is not surprising if a number of Shia rituals and traditions have had a deep influence on the Indonesia Islamic community, not just in the Shia circle itself, but also in the Sunni circle. When Gus Dur led the largest Islamic organisation in Indonesia, Nahdlatul Ulama (NU) from 1984 to 1999, the relationship between NU and Shia was quite friendly. This was related to the main features of Shia which developed in Indonesia, that Shia is non-political, emphasising the development of fiqh ideas (Islamic philosophy) or Shia understanding within everyday community life. In its development, two Shia organisations have been established in Indonesia; Ikatan Jemaah Ahlul Bait Indonesia (IJABI), established in Bandung on 1 July 2000 and Ahlul Bait Indonesia (ABI) established on 15 June 2011.

Argument between Sunni and Shia groups has been going on for a rather long time. In Indonesia, one of the references about this is the recommendation from the Council of Clerics Fatwa Commission Indonesia in March 1984. This recommendation letter often was the cause of debate in itself, because on the one hand it recognised the existence of Shia despite key differences in the Sunni sect (Ahlus Sunnah Waljamaah), which is followed by Indonesian Muslims. On the other hand, this letter also recommends that Sunni Muslims be alert to the possibility of the entry of Shia teachings.

In several regions of Indonesia arguments led to violence. One of these occurred in Jambesari village, Jambesari Darussolah district, Bondowoso regency, East Java. On 4 of June a mob carried out a demonstration meaning to dissolve the inauguration of the leader of IJABI in that village. The following day, a number of local clerics came to the Bondowoso Ministry of Religious Affairs Office to submit a letter of objection against the existence of a Shia IJABI. This letter was signed by 21 leaders of religious boarding schools and leaders from five Islamic organisations. Several months later, on 12 September 2006, al-Wafa boarding school lead by Cleric Musawir in Jambisari village was set alight by an unknown arsonist.

Luckily the owner of the place knew about it such that the fire was immediately extinguished before it spread and destroyed the entire contents of the building. Following this, on 23

December 2006, a mob admitting to being from a local village attacked followers of IJABI in the middle of prayers in the home of one of their members in Jambesari. In this attack, not only sand but also tennis-ball sized stones were thrown at the house, making the women and children afraid.

R, one of the Bondowoso Shia followers spoke of the attack against the Shia in 2006.

> "At that time I was teaching in the home of Mr Ashari, suddenly we were attacked, they threw stones at us, screaming, 'heretic, heretic," he said.

Other incidents of intolerance against Shia occurred in Bangil, Pasuruan, East Java. In 2007 a group of people claiming to be from ASWAJA group (Ahlussunnah Waljamaah) carried out a demonstration rejecting Shia faith after finishing their Friday prayers. This action culminated in an attack on Alma'hadul Islam YAPI boarding school in Kenep village, Beji district, Pasuruan regency, East Java, and YAPI boarding school (Yayasan Pesantren Islam) Bangil, Pasuruan. YAPI Bangil was established by Habib Hussein bin Abu Bakar al-Habsyi in 1993. Prior to 2007 Habib Hussein was known as a famous Sunni Cleric in Bangil. When Habib Hussein's letter, which was addressed to a Shia leader in Iran, became known by the people, he was accused of concealing his Shia- ness (taqiyyah) as a proselytising tactic. The Aswaja group throw stones and bottle of mineral water at the Shia YAPI boarding school. They also incited the people to attach Shia which was considered a cult and destroy YAPI. This situation was able to be brought under control, but no parties were taken to court for their responsibility in the violent attack. H who lives in YAPI girls boarding school said,

> "They (Aswaja Group) pass here every Sunday on their motorbikes while screaming, 'We won't stop until the clerics in YAPI go," and lots of other threats and rude words shouted at us," she said.

The Shia community in Nagkernang hamlet, Karang Gayam village, Omben district, Sampang regency, Madura, East Java face other cases of intolerance. The case in Sampang is the most dramatic between Shia and Sunni related to the attack on 29 December 2011 and 26 August 2012. The root of this controversy, according to Marzuki Ali (Head of the Republic of Indonesia Parliament) as conveyed to Gatra magazine (No. 30 / XIX 30 May – 5 June) was Blasphemy or Unpleasant Acts as referred to and regulated in article 156a or 335 paragraph 1 of the criminal code committed by Tajul Muluk (considered as the main actor in the Sampang riot). The Sampang District Court declared that Tajul Muluk had committed blasphemy. Tajul was then sentenced to two years imprisonment by the Sampang State Court. However, after putting in an appeal, the East Java High Court in fact added to the sentence making it four years imprisonment and this was strengthened by the Republic of Indonesia Supreme Court in January 2013.

Amidst the Shia – Sunni Sampang situation and conditions which had begun to heat up, news of the conflict in Sampang was coloured by stories of conflict between Tajul Muluk and Roisul Hukama, his own younger brother. They are both sons of Cleric Ma'mun, a local Shia figure who has already passed away. Previously, Rois, and Tajul together developed the Shia teachings and joined IJABI. In 2009, Cleric Rois stated he was leaving Shia and Tajul stated that he was leaving IJABI and joining ABI (Ahlul Bait Indonesia). It was stated that the feud between Tajul and Rois occurred because Rois's hope to marry again was blocked by Tajul. Rois who already had several wives was interested in a 13-year-old student. However, the girl had already been proposed to by someone else, where Tajul acted as guardian. Rois was said to be hurt and joined the group that wanted to bring down Tajul.

On 26 August 2012, Rois was suspected of leading the attack against the Shia people under Tajul's leadership in Sampang by not allowing the Shia children to return to the religious boarding school outside Sampang after the Idul Fitri holiday finished. This attacked resulted in the death of one person, injuries to 10 others and at least 300 people displaced. On that date also Rois was arrested on the accusation of acting as provocateur. Surprisingly, not long afterwards, he was allowed to go free by the court.

On 10 April 2012, Sampang District Court handed down a sentence of three months ten days to Musikrah (50 years old) on the charge of burning Shia leaders' house and boarding house on 29 December 2011. After taking into account his detention time, he was immediately released. The Surabaya District Court also sentenced six people for the attack on the Shia community on 26 August 2012, these being; Mukhsin (also known as Tamam Bin Mohamad Rowi) to 10 months imprisonment for beatings, Saniwan (also known as Muhriyah) to eight months imprisonment for beatings, and Saripin to eight months imprisonment for beatings. While Rois Al Hukama, who was the main suspect, was then allowed to go free on 16 April 2013. Hadiri (also known as Hosen), charged with the murder of Hamamah, was sentenced to eight months imprisonment.

It is important to note that the local government policy measures emphasize the readiness of the Shia community to bow to the desires of the opposing party, that being to leave Shia teachings and join the Sunni people. Meetings mediated by the Sampang deputy cleric with Ustadz Tajul Muluk between 2009 – 2011 facilitated by the local government, were coloured by the presence of large numbers of people threatening violence. These conditions finally forced Ustadz Tajul Muluk, as leader of Shia Sampang, to sign a letter of agreement not to spread Shia teaching and promising to return to Ahlussunnah wal Jamaah. In further developments, in various forums discussing the Sampang conflict, Tajul was continually accused of violating this letter of agreement.

Meanwhile, results of joint monitoring by Komnas HAM, Komnas Perempuan and LPSK (Institute for the protection of Witnesses and Victims), showed the conflict in Sampang was complex, multi-level and multi-dimensional with socio-cultural, religious, economic and political factors all contributing to the outbreak of conflict. These findings were in line with opinions from both IJABI and ABI who recognised that the ideological conflict between Sunni and Shia was only used as the inciting factor and as the joint enemy to avoid the root of the very complex problems there. Results of field assessment by ABI also showed that although it couldn't be denied that nearly all religious figures (Kyai) in Sampang did not agree with the existence of Shia, most of them also did not support violence as the way to resolve the problem.

However, whatever the root of the problem, whatever the reason or cause, the unrest in Sampang has resulted in many victims. Nangkrenang village, Karanggayam, Sampang regency, was burnt by a mob on 29 August 2012. The residents, mostly women and children, fled to Gelanggang Olahraga Remaja (GOR), Sampang.

As a result of the conflict and unrest in Sampang, women suffered two-fold; as women and as victims of the conflict. The Special Rapporteur noted cases of forced divorce because of different beliefs effecting women followers of Shia in Nangkernang, Sampang. There were at least three women whose marriages had been shaken due to different beliefs, the wife a follower of Shia and the husband a follower of Sunni. In the first case, the woman was forced to choose between marriage and her beliefs. She then fled to her husband's family who were Sunni and was asked to sever the relationship with her own family who were Shia. In the second case, the woman was divorced by her husband, however they have now reunited and moved to another village. In the third case, the wife was divorced and is now a single parent. This third case affirms how the issue of intolerance at the macro level, - the state and community - has penetrated the personal lives of women who have a subordinate position in the family.

Meanwhile, the women who have fled also face difficult conditions. Imagine, in the nine months they have been displaced, four babies have been born, including Ali Akbar, child of Iklil al Milal, Tajul Muluk's older brother. If these babies had been born in their own homes, they surely could have been well taken care of, and their mothers could have taken care of themselves and their reproductive organs properly too. In addition, the people living displaced from their homes are bored of living in GOR and want to quickly return to their own homes.

These conditions that have dragged on and on have forced the Parliament to hold a closed meeting with the East Java Government and Sampang Government. A discourse arose on the relocation of the Shia people which has been quite disturbing. In reality, according to Act No. 6 / 2012 on the Handling of Social Conflict, the handling of conflict is the responsibility of the Regional Government, to be handled not by relocation but rehabilitation and reconciliation.

However, in this meeting, the Governor of East Java, Sukarwo, said, "If the people of Shia are neglected, it will violate their human rights. Therefore, it's better if they are moved temporarily, until the conditions are more conducive to a comprehensive resolution."
But hopes and dreams have remained just that. Amidst the desire to return to their homes, the displaced Shia people of Sampang were all forced to move from their temporary camp. Although Iklil tried to reject all forms of pressure, he collapsed and was taken to hospital when the process of evacuation of GOR took place.

In fact, signs of forced relocation from GOR, with no return to their own villages, were evident from the month prior. The plan to return to the village of Nangkernang, Omben district, and Blu-uran village Karangpenang district is unclear. The number of displaced people who remain in the camp has also decreased. From 300 people when they first arrived, it became 250 and then finally only 168 people were left. They one by one left the camp for who knows where.

A day before the eviction took place, Iklil already predicted that they would continue to be forced out of the camp. For that reason he made the condition that they would move after their missing assets were replaced. However, Sukarwo said the government had not yet decided on the matter of compensation, "But the land still remains fully owned by the Shia people".

Following this, at the end of June 2013, the displaced Shia people were forcibly moved to simple apartments, Puspa Agro, in Jemundo village, Sidoarjo regency. According to Iklil al-Milal, the apartments currently occupied are nice and comfortable, 168 Shia people live in 64 of the 76 rooms provided by the East Java government. Children can play chase, ball games or elastics. They can also go up and down the stairs. However, the Shia displaced people felt they preferred to live in GOR Sampang. Consequently, even though they have to go back stealthily, they can still return to their village to take care of their rice fields and gardens. In addition, the displaced people are confused about their future, the children cannot go to school freely, and their parents don't have jobs, because they don't have skills other than as farmers. "Therefore, the solution is that we must be allowed to go home, so that we can work again," said Iklil.

Table 8

Acts of Intolerance and Violence against the Shia Group

No	Place where the incident occurred	Form of violation
I.	Citizen Crime	
1	Bondowoso	- Demonstration inauguration of IJABI leader - Burning of Al-Wafa Boarding School - Attack against IJABI group who were conducting prayers Koran recital
2	Bangil	- Demonstration rejecting Shia teachings - Attack on Al Ma'hadul Islam YAPI Kenep Boarding school and Bangil YAPI Boarding School, Pasuruan. - Inciting the public to oppose Shia
3	Sampang, Madura	- Attack against Shia Sampang - Forcing of beliefs and changing of beliefs - Burning of homes - Beatings - Persecution - Forced moving and eviction

At the writing of this report, the displaced persons were living in Sidoarjo apartments. Although the conditions there are better than in GOR, they hope that reconciliation will be done so that they can return to their hometown. Not just because their source of livelihood is there, but also because they miss gathering together with their family and friends as they used to. The Special Rapporteur was also informed that the children of the displaced people could not go to school outside the location, while the process of learning where they were was not good as students were often absent.

3.7. Hampered building of Mosques

The 1945 Indonesian Constitution guarantees every citizen the constitutional right to the freedom to choose their religion/beliefs, as well as worship according to this religion or beliefs. However, in reality, various violations of freedom of religion/beliefs still occur. These violations are not only in the form of attacks, either verbal/written threats, but also in restrictions, vandalism of places of worship, as well as forced closure and bans on the building of places of worship. These cases were recorded by the Komnas Perempuan Special Rapporteur Team in 2013.

Starting with consultations with various parties, the Special Rapporteur drew results on acts of intolerance in the form of inhibiting the establishment mosques for minority Islam communities. As an initial step, the monitoring team dug up data from several sources, these being: MUI Centre of Religious Harmony (MUI KPUB), The Centre of Religious Harmony (KPUB) the Ministry of Religious Affairs, Lembaga Takmir Masjid PBNU and Indonesia Mosque Council (DMI). KPUB Ministry of Religious Affairs conveyed (orally) that they did not have data on mosques whose construction had been hampered by freedom of religion related incidents. While DMI orally conveyed they only had data on the hampered building of mosques related to disputes on benefaction land. While LTM PBNU orally told Komnas Perempuan about mosques that had experienced constraints in building related to incidents of freedom of religion. Written information was received from MUI, which noted that there were several mosques where the construction had been hampered. This information was the result of a survey on Religious Harmony in East Indonesia including North Sulawesi, NTT, Bali, West Papua and Papua.

3.7.1. NTT

In NTT, four mosques reportedly faced hampered construction, one which couldn't be confirmed. In the process of following up on the mass media news[10] about the conditions of the mosque in Mako Yonif North Central Timor (TTU) regency, MUI NTT who were contacted by the monitoring team said that they knew of this case, and the reporter who wrote the news couldn't show an accurate source for the news they had written. Three other mosques which experienced hampered construction, were:

a. Nur Musafir Mosque, Batuplat Kupang City.

   Despite having a permit to build, the process of building Nur Musafir mosque stopped after the Mayor of Kupang, Yonas Salean, through letter No. BKBPPM.645/038/2012, dated 12 September 2012 withdrew support on the grounds that there was refusal from a number of surrounding people. According to the Head of FKUB Kupang City, Malelak Minister, Nur Musafir Foundation had met all the requirements for the establishment of a place of worship as stipulated by PB 2 Ministry No 8 and 9 / 2006. The laying of the first stone had even been done by Daniel Adoe Kupang Mayor in the previous period. The location of the mosque was in accordance with Kupang Mayor decision, No. 66/KEP/HK/2010 about the granting of Kupang city government land to Nur Musafir Kupang Foundation. The aim was for the sake of development in the field of religion in the Batuplat village Alak district Kupang City. The foundation rejected the accusation that the administration requirements for building a place of worship had been engineered. For

10 http://www.tempo.co/read/news/2012/05/11/058403193/Pembangunan-Masjid-di-NTT-Dipertanyakan yang diunduh pada 24 Juni 2014, jam 14.15 WIB

example, the signatures of supporters were gathered while handing out sacrificed meat, and the names of the users of the mosque were mostly from another village which was far from the location of the mosque. The Kupang government formed Team Nine to verify the existing document. On 28 June 2013 the Political and Community Protection National Unity Agency (Kesbangpolinmas) Kupang City brought together the Mosque Building Committee with the entire component of the Batuplat public, the district, village, religious leaders, youth (Karang Taruna) and the Regional Leadership Forum as well as the Fact Finding Team/Team Nine, formed by Kupang Mayor Decree. This meeting resulted in three agreements, namely, "First, in principle, there be no objection from the surrounding people on the entire process of building the mosque, Second complete the administration procedures according to the prevailing regulations for processing in line with the mechanisms, Third, the existing completed administration requirements be surrendered in full to FKUB and while waiting for this process the mosque building committee temporarily wait and restrain themselves from carrying out building activities. However, at the time of writing this report, the mosque was still unable to be built[11].

b. Darul Hidayah Mosque, Naibonat Kupang regency
In April 2012, the village head of East Kupang called the Darul Hidayah Foundation party and requested that they stop building the mosque on the grounds that they needed to renew the data of those using the mosque and the data of supporting non-users. The Foundation had obtained a building permit in 2011 which had been issued by the Head of General Work Unit Kupang Regency. The Darul Hidayah mosque committee conveyed that the Kupang City FKUB team had undertaken verification in the field by visiting the location of the mosque construction. They met directly with the community leaders around the location of the building to ensure the validity of the data on non-Muslim supporters. However, to date, there has been no response at all from Kupang Regency Government in following up on the building of the mosque.

c. Al-Faidah Mosque in RSS Liliba village, Kupang city
The planned building of al-Faidah mosque was part of the same project to build public housing. This led to protests from citizens because the building party did not explain that the building of the musholla was part of the building of the public housing from the Ministry of Public Housing project. Therefore, the building of the public housing was then shifted nearby the Kupang Muhammadiyah University complex. Now the al-Faidah mosque has finished being built and the public housing also now occupied.

11 http://ntt.kemenag.go.id/index.php?a=berita&id=149273 downloaded on 25 June 2014 at 1:15 pm Western Standard Indonesian Time.

The result of the monitoring team's investigation of mosques that have experienced hampered construction that is unrelated to the issue of freedom of religion are:

3.7.2. North Sumatra

From the team's investigation of the report on the hampered building of a mosque in North Sumatra revealed the following information:

a. The al-Ikhlas mosque in Jl Timur No.23 Sidodadi village, East Medan district, Medan. The hampered building of the mosque was related to dispute over *tanah wakaf*, land donated for religious or community use. According to MUI Secretary North Sumatra, Prof Dr. H. Hasan Bakti Nasution, the problem of al-Ikhlas mosque was considered to be resolved because the mosque had been built again and even made into two mosques because it had been built in a new location as well as the old one.
b. Fi Sabilillah mosque in Jl Lintas Tobasa Lumban Lowu, Toba Samosir district was burnt by persons unknown on 27 July 2012. The local police suspect that this incident was due to conflict of interest between family members fighting over inheritance land. Therefore, the police hope people outside of Toba Samosir do not provoke issues of race and religion related to this arson incident which arose among certain parties.
c. Nurul Hidayah mosque which stood in the old PTPN IX complex had been sold to real estate developer MMTC. The developers wanted to build housing, so all the buildings standing on this land had to be demolished, including the Nurul Hidayah mosque.
d. Nur Hikmah and Jami'at Taqwa mosque in Aek Loba village, Aek Kuasan district, Asahan regency. This mosque was located in a Muslim area, not in a Christian area as rumored by a group of people. MUI Secretary North Sumatra interpreted that there were people who wanted to upset the security of the region by using the issue of race and religion. A similar situation was found in the case of the burning of a mosque in Besitang which is location in Bukit Selamet village, Besitang district, Langkat regency – an area occupied by Christians too. Incidents of burning of mosques have occurred several times, but usually they are immediately repaired.

3.8. Closure and damage to churches and temples

In addition to the cases of GKI Yasmin and HKBP Filadelfia which experienced church closure, several other churches facing the same problem were:

- The Keesaan Injili Indonesia Church (GEKINDO), Pantekosta Church in Indonesia (GPdI) and HKBP Getsemane in Jatimulya, Bekasi which had been active for eight years without disturbance, faced the issue of closure on 10 September 2005.

- The forced closure of 13 churches, including GPdI (Pantekosta Church in Indonesia) Rancaekek, Bandung regency. The closure, occurring from 2009 to 2011, was conducted by government officials and supported by the organizations AGAP, HTI and FPI. The discontinuation of worship activities in Bethel Indonesia Church (GBI) Pekiringan was carried out by Cirebon Mayor through decree No. 452.2/1478-Adm.Kesra dated 26 September 2011 on the grounds of not having a place of worship building permit. In addition to GBI Pekiringan, several churches also experienced attacks and forced closure of places of worship carried out by the organisations Gerakan Anti Pemurtadan dan Aliran Sesat (GAPAS) Cirebon, including: Gereja Kristen Gratia (GKG), Gereja Kristen Perjanjian Baru (GKPB), Gereja Injil Seutuh Indonesia (GISI). The attacks and forced closure of these churches have been going on since 2007. Leaders of GKPB church have also experienced threats and intimidation because their homes have been the places of temporary worship for GISI and GBI Pekiringan congregations.
- The forced closure of 16 churches and one Pambe place of worship (local religion) in Ache Singkil. Closure was done by the local government on the insistence of certain community groups by referring to the 1979 agreement on restriction on the number of churches in the area.
- Discontinuation of activities in nine churches and five Buddhist temples in Banda Aceh has occurred since 18 October 2012. Previously, on 17 June 2012 the congregation worshiping in Gereja Bethel Indonesia in Peunayong was threatened by a group of people, until they were forced to stop their worship and immediately disperse. In this action, it was reported that there were threats of a sexual nature against the GBI Peunayong congregation, Banda Aceh, during an attack on their church by a mob on 17 June 2012. H, one of the female members in the congregation said:

> "When we went to go down the (church) steps when we were evacuating they swore at us… there weren't any nice words, all of them were curses. There were children who were being evacuated with us. The children asked the meaning of the words that the mob were using, sorry yeah, they were words like whore, prostitute…"

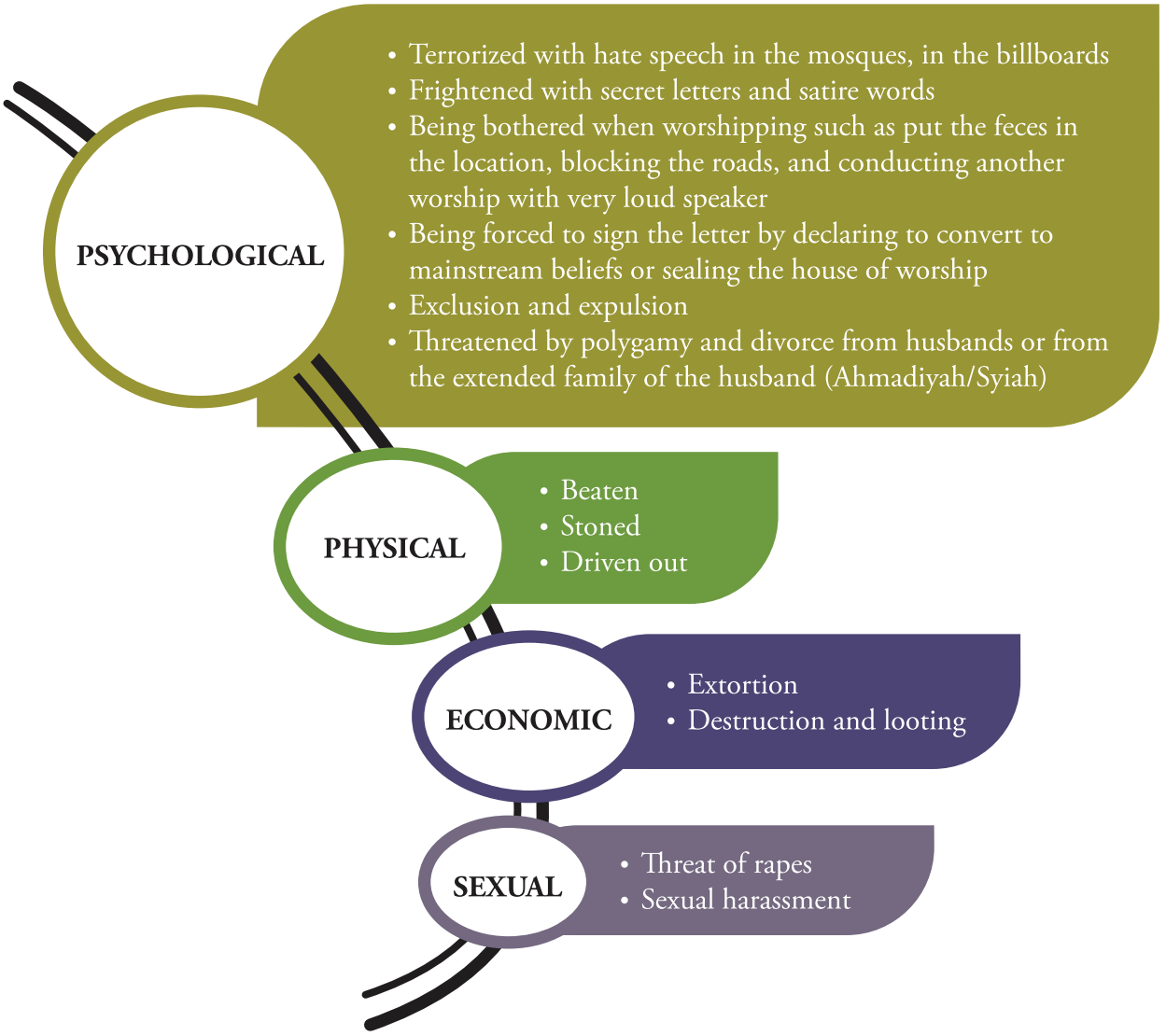
- There were four churches burned in Kuantan Singingi regency, Riau province, in 2011. These four churches were the Catholic churches in Taluk Kuantan (April 2011), Pentecostal church in Indonesia (GPDI) in Air Hitam village, Pangean district. Gereja Batak Karo Protestan (GBKP) in Logas Tanah Darat village, Perhentian Luas district. The fires in GPDI and GBKP occurred on 1 August 2011. The Methodist Church in Indonesia in Logas Tanah Darat district on 2 August 2011.

- The destruction of churches and Christian schools in the riots in Temanggung, Central Java occurred in February 8, 2011. The riots were caused by the protest of a group of people against the decision of Temanggung District Court which imposed 5 years in jail instead of death penalthy to Anthonius Richmond Bawengan in the case of religious blasphemy. One of the groups is identified as the Youth of Ka'bah. Eventhough there was no casualties in this riots, many buildings have become the target of destructions including Catholic churches, Pantekosta Churches, Catholic orphanage, Shekinah schools and churches, Kanisius schools and Pangudi Utami schools.

3.9. Reflection: Women in the Face of Violence

From the explanation above, violence has been experienced by religious minority groups, both for men and women, especially during the attack. The forms of violence include physical, psychological and economic violence. Women should bear the sufferings because their properties have been destroyed, stolen and burned down. Women and their families were expelled from their villages and hometowns. Women and children are much more vulnerable than men because of the gender role and status in the society. Women victims are often threatened by sexual violence, in the form of rapes, intimidation and sexual harassment. In short, the violence experienced by women from religious minority groups can be explained in the following diagram:

Diagram 1:
Forms of Violence Experienced by Women of Religious Minorities



Impact of Intolerance on Women Victim

Religious base violence and intolerance that happened in Indonesia, has caused various suffering and adversity to the victims, both men and women. Not only they suffer physically and psychologically, they also lost their belongings, life and have to endure all kind of discrimination. This adversity is felt even more by women, not only as part of minority group, but also because they are women, with different physical, psychological and social needs compare to men.

Ironically, the adversity and suffering on women as victim of religious conflicts is often overlooked, and never documented. The truth is, the burden they have to carry will multiply when their spouses lost their jobs or their life. Therefore, the Special Rapporteur of National Commission on Violence Against Women (Komnas Perempuan) try to trace the trails, steps and struggles of those that fall victim, to explore their suffering and adversity as well as to follow their efforts on dealing with the future.

4.1 Concerns about Children Education

In general, the social system placed children education - general and religious – under the mother's responsibility. Education become uncertain when faced with religious conflicts. Mothers from all minority groups that encounter intolerance repeatedly voiced their concerns on the children's education and development.

For example, Mrs. Ri from HKBP Filadelfia. We received her complaints that her children had become more resistance when counseled, due to the fact that her children could not attend the church regularly. Mrs. J, a congregation of Gekindo Jatimulya, Bekasi, conveyed her concerns to Special Rapporteur team, as follows:

> "My children are afraid to attend the church, what would happen to their future? To put them in Public School terrify me, because in Bekasi, especially in Jatimulya, they don't provide Christian religious teacher. During religious lesson, children from different religious beliefs are asked to play outside. I beg the government to look into this."

It is important to underline that part of the right to freedom of religious belief is for parents to choose religious teaching for their children. The state is responsible to provide this education because our education system stated that religious education is part of mandatory education. Therefore, the state needs to investigate this situation in Jatimulya to discontinue this violation of right.

In the case of attack on Ahmadiyya congregation, most of their *madrassa* and schools were sealed and closed, such as in Manis Lor, Tasikmalaya, Cianjur, Tenjowaringin and other places. Their sadness and complaints are similar regarding their children education. Mrs. O from Lajnah Imaillah Tenjowaringin, said as follows:

> 'We are confused. In some places, Ahmadiyya Congregation *madrassa* were sealed. Children are not allowed to study. We tried to enroll them to non-Ahmadiyya *madrassa*, but they were not accepted. Where do we have to send our children to study and how? In Lombok, education is a very important factor especially for girls. What about their future education, if they are not allowed to get religious lessons?"

Shia's followers in Pasuruan, East Java, also face the same situation. Shia's children attending school also experience pressure from other students. Mrs. Am, a Shia's follower tells the following story:

> "At school, children are mocked by their friends, "you are a Shia, you are a Shia". My children asked for a transfer. When reported to the principals, there are no actions taken. I pity my children."

Other concerns shared by these mothers are, their children mental development, that they will grow hating others from different religious beliefs or state's officials. These children are exposed to violence carried out by intolerant groups and witnessed the inattentiveness/indifference of officials in protecting the congregation/followers. One church assembly member of HKBP Filadelfia says, since the closing down of HKBP Filadelfia, her child hate children from different religious:

> "Sunday school at the presidential palace is a hindrance for all children. We must remain in high spirit so that the government will open their eyes…Sometimes if I ask my child to come to the palace, he will ask: Are there any Muslims? Yes there are…. *'No, I don't want to'* he said, 'I don't want to meet the Muslims.' 'Not all Muslims are bad' I told him…"

Mrs. N from GKI Taman Yasmin, said the following:

> "As mother, we try to instill good values to our children, but because we are attacked during the service, children grow hatred within themselves towards other people, to a certain religion, certain people. My child asks me, why are they doing this? Ever since, my kid becomes reluctant to attend the church. It affects his/

her education. Even the image of incapable government official such as head of region, mayor and security leaves strong impression to the children. Every time they met any of them, my child looks away."

4.2 Poor Social Relation

Ongoing gesture and act of intolerance has also deprived the women belonging to communities in conflict from harmonious relations with their neighbors. A mother from HKBP Church Cikeuting congregation said that since the attack on them on 2010, communication with her neighbors is stalled.

> "Before, it was good, my neighbors asked for helps a lot. I was asked to cook *arsik* (food specialty from Medan) and send them to my neighbors. After the attack, there is no more communication. When we get together for *arisan*, other mothers act strangely. They only talk with you when needed, just as a courtesy. Until now, our communication is not good."

According to Mrs. Is, every month congregation of Gratia, Cirebon, handed out free food supplies to the communities in their area. However, lately this activity is forbidden by GAPAS, an Islamic group, with accusation that this food supplies charity is an effort to convert people to Christianity. Similar thing happened with the lamb charity during Ied Haj. She received information thatsome members of the community are in need of the charity, but they were threatened not to receive them. The situation is confirmedby Mrs. W, head of GAPAS Cirebon, who actively rallied for closure of churches in Cirebon. According to her, the impact of such cases is the following:

> "Since this incident, communities become compartmentalized, especially in RW 05, not all of them refused food supplies charity, especially those from lower socio-economic status. I was dumb founded, some received and some refused (the carity). So I asked Kyai Salim Bajri for solutions to this situation. We ask people to refuse, but actually they are in need."

The Special Rapporteur also receives story of disharmonious relations in the neighborhood from all the communities that she met. In HKBP Filadelfia case, disharmony occurs every time prior to the service, whilst on the other days social interactions remain as usual. However, one member of the congregation who sell coconut at the market reported that she got information that some people incite her neighbors not to shop from her. Similar situation was also reported by Mrs. S, an Ahmadiyya follower from Manis Kidul, Kuningan. According to her, after the

attack on theAhmadiyya communities, the harmony of living in the same neighborhood ceased to exist.

> "During the day time, we are in good terms with the neighbors, we say hello to each other, as if nothing has happened. However, just before the sunset prayer, my neighbors act differently, as if they don't know us, as if we are enemies, they ignore us when we say hello." she uttered in sadness.

For the non-Muslim communities, tension in social interaction is also spontaneously felt due to the feeling of fear or hate to interact with groups that use similar symbols which are being used by the intolerant groups. This feeling is uncontainable, although rationally they realized that this does not represent the overall image of Islam in this issue. A number of women that the Special Rapporteur met openly admitted this. They expressed apology, even though they are familiar with tolerant Muslim figures such as Mrs. Sinta as the Special Rapporteur, they often feel fear, anxiety even hatred towards people using symbols used by intolerant groups, such as hijab, veil or men with beard in *abaya*sor above ankle pants. Sounds of prayer calling (*adz an*), Friday's prayer or other praying activities not only caused anxiety for them that there will be mass concentration for a rally, but also hurt them because that reminds them that they can not enjoy the same freedom of religion due to the strain and blasphemy during their prayer time.
Tension in the community due to religious intolerance also costs women the loss of access to inter- communities meetings and social activities. A Shi'a woman from Sampang, Madura reveals that after the attack on Shi'a; The Sunni and Shi'a women no longer go to religious study together.

> "Before the attack, I used to follow Muslim study there, but not anymore now, I study Qur'an alone at home. Before the burning incident, they often come to the house. (Now) even if asked, I refused, because they often call me infidel, stray. We effectively pulled out," she said.

The anxiety due to the disturbed social interaction as a result of intolerance is also felt by Mrs. T, a Muslim follower lives in Batuplat, Kupang. She is a follower of Musafir mosque, which construction process was halted by local government in 2012 based on a pressure from intolerance group. Mrs. T said:

> "I have lived here for thirty years, we have never caused any commotion. We never supported people in Java who stopped church construction. What happened to this people here, we are building a place to pray. There is a rift in our relation with the neighbours, they don't come to us to wish us Happy Ied anymore."

Even though the gap in social interaction is felt by both women and men, these problem are expressed more by women in minority group when they met the Special Rapporteur. Presumably this is due to the social construction on the role of women. Neighbors are your closest relatives; this is a common expression in the community. Therefore, women's domestic role to nurture is projected to her ability to cultivate social network in her area. It is not surprising that women keep trying to mend the broken social network; this situation is seen as an opportunity for women to assume the role of a peace maker.

As a result, in some areas, social tension subsided. According to V, one of the leaders of Lajnah Imaillah Kuningan, West Java, social relation and activities in the community must be maintained. Posyandu, PKK and aerobic exercise become the area in which women from different groups could interact. To build tolerance among groups in Manis Lor, Lajnah Imaillah side held a regular food supplies charity and blood donor twice a year. In Langkat, North Sumatra, a lady who teach praying in her village told the following story:

> "I am a Muslim teacher from Ahmadiyya group, however my students are not only from Ahmadiyya, although they are aware that I am Ahmadiyya. Others will replace those who graduate. People out there are kind to us. Our relationship is fine. Every Ied we visited each other. When we have a Quran study (*pengajian*), they (women) are invited. When we have Isra Mi'raj, if we have a chance, we come and visit them."

4.3 Reproductive Health Problems and the Difficulty to Access the Government Support.

During the monitoring process, we found that the community that is most vulnerable and often endure multiple intolerance, discrimination and violence is the Ahmadiyya followers. As discussed in previous chapter, during the attack on Ketapang village, West Nusa Tenggara in 2005, a woman in early pregnancy suffers miscarriage when she ran for protection.

While being accomodated in the refugee camp in Transito, Lombok, a number of rights that they are supposedly entitled to and enjoy as citizen, was not available, such as: right for social security and right to reproductive health service. Case in point, Mrs. U, a follower of Ahmadiyya who live in Transito Camp, West Nusa Tenggara tell a story of the difficulty to access government support and health service for pregnant woman.

> "When I was 9 month pregnant, I ask for social support letter, but was not granted, only promises. At last, one of the officers said, the night you go into labor, I will make one for you. It is *not* possible, is it? But that's how it went."
>
> Mrs. U continues her story:

"One time, my child's school asked for the social support letter. So I explained to the teacher, Sir, I am living in a refugee camp, so we don't have this letter since our village chief is in Sumbawa. It is not possible to have one here."

4.4 Difficulty to Get Identification Card

For followers of Ahmadiyya, it's hard to get a basic legal document such as identification card (KTP) which led to difficulty to access to other public services. N, a follower of Ahmadiyya Cikeusik tells the following story, as long as he live in Cikeusik, followers of Ahmadiyya could not get their own KTP or JAMKESMAS (People's Health Insurance), as the village chief refused them because they are Ahmadiyya followers. Mr. Amat, head of Ahmadiyya, tells the following story:

"Even to get married is difficult, let alone to have our own KTP and Family Card (KK). They refused to serve, even though it is very important to us, especially for those who had married and have children. What if we do not have a marriage certificate, no ID card, no family card. When it is time for our children to enroll school, it is difficult. Because the school asked for parent's the marriage certificate and family card. Consequently, they cannot attend school."

For Baha'i follower, the difficulty to get KTP is not because they are forced to convert their religious beliefs, but because they do not know what to write on the religion section in the KTP, that must be filled with what they believe in. Mrs. Suharti, a Baha'i said, she could not write down Baha'i as her religion, since it is not a religion recognized by the state. It does not matter how many times she meet and talk to the local civil registry officer, in the end it is written Islam in her ID card.

"The most important thing is KTP…If the KTP is OK, we do not foresee any problems. We are afraid of being accused on making false ID, whilst it is not as what we believe in. If I put Islam in my KTP, I might be accused as one that smears religion. I have visited the village chief. After filling up the form, I was told to report to the civil service office. At this office, Mrs. S (Civil Service Officer of Lampung Timur Region) said, "Your KTP is still valid, use it. For new KTP and KK, you have to ask from the Village Chief, that you are a follower of Baha'i. I have visited the civil service office four times, they still deny me of my new KTP and KK…," she said.

On February 24th, 2014, Secretary General of Ministry of Religion sent a Letter No. SJ/B.VII/1/HM.00/675/2014 to the Director General of Population and Civil Registration Ministry. This letter restated that Baha'i as a religion must receive full protection from the State. Therefore, everything related to citizen's right, including civil registration will be given access to. However in reality, access to equal right as other citizens is not materialized for Baha'i followers. Even after they obtained the reconfirmation letter from Minister of Religion as stated in letter No. MA/276/2014 dated July 24th, 2014

However, access to equal services for civil registration remain a luxury. Policy on how to fill in religion column in KTP, as per Law/ UU No. 23 year of 2006 on Population Administration, allowed a big room for discrimination. Filling up this column is heavily affected by Law/UU No. 1/PNPS/1965 and its derivatives rules on "official/recognized" religion and beliefs that are accepted by the state. Outside of the 6 religions, the belief followers and ancestor's religions mentioned in the body of Law UU No.1/PNPS/1965, this column must be filled differently. These religions or beliefs cannot be written down as it is; some filled it with "belief" or "*penghayat*", some leave it empty, or filled it with lines/strip (-). Under the Indonesian governance system and communities, which still uphold ban and stigmatized communism, this column that is often left unfilled could result in unpleasant and discriminative treatment to the KTP holder due to the accusation of being a communist. This discriminative treatment is against the constitutional right of equality before law and government.

4.5 Hindrance in Marriage Registry

For women, the delay in marriage has far more worrying effects than for men. Delaying marriage will affect pregnancy and the process of giving birth. It is automatically related to her reproductive organs. However, what Ahmadiyya followers worried about is that they cannot register their marriage at the Office of Religious Affair (KUA). Special Rapporteur recorded that, within 2011 up to 2013 there are 419 Ahmadiyya married couple that was forced to sign a petition of exclusion from Ahmadiyya in order for their marriage to be recognized and documented by local office of Religious Affair (KUA). Cases like this occured in Kuningan, Tasikmalaya, Sukabumi and Solok, West Sumatra.

Table 9

Location and number of Ahmadiyya couple experiencing hindrance in marriage registry, 2011-2013

Location/Area	Number
Region of Kuningan, West Java	400 couples
Region and City of Tasikmalaya, West Java	9 couples
Region of Sukabumi	2 couples
Region of Solok, West Sumatra	8 couples
TOTAL	**419 couples**

To deal with this situation, the Ahmadiyya couple that could not have their marriage held at local office of Religious Affair (KUA) because they refused to sign exclusion petition from Ahmadiyya will move to other area, or held their wedding at other areas. This is what Mrs. Mm from Manis Lor experiencing, she then moved to Cirebon and held her wedding there. For safety reason, the wedding was held secretly without the presence of family member or close relatives. Mrs. Mm said:

> "Since I follow Ahmadiyya teaching, when I get married, I have to sign a petition of exclusion from Ahmadiyya. This due to the regulation of SKB and BAKORPAKEM. I feel intimidated and unsafe. Registering marriage is difficult thing to do. Finally we decided to get married somewhere else. No party or family member to celebrate with. We also wear our daily clothes."

In Alahan Panjang, West Sumatra, requirement to leave Ahmadiyya not only applied to the soon to be married couple, but also applied to both families of the couple. At the same time, this prohibition to get married for Ahmadiyya followed by prohibition to assemble and have a shared activity. Marriage as an endeavor to seek happiness legally and an expression of joy has become a miserable thing for women. To get married in secret, detract them from the tradition and culture of a marriage; unlike a normal marriage, there are no party gathering of family member, and wearing daily clothes. W, a follower of Ahmadiyya said the following:

> "When it comes to the registration, it is tough for us, especially those who wish to get married. We will be spied on, we plan to get together to celebrate, but was not permitted to. We even invite them to celebrate with us, for a simple celebration, but were not allowed. If we insist to have a wedding ceremony, they will stage a protest rally at our house. We did not even ask for their money."

In the region of Solok, West Sumatra, hindrance to obtain marriage certificate for Ahmadiyya followers started since Joint 3 Ministry Rule (*SKB 3 Menteri*) in the year of 2008 with regards to Ahmadiyya and was reaffirmed by Governor Rule No 17, 2011 on Prohibition of Indonesia Ahmadiyya Followers Activities in West Sumatra. These rulings take effect up to the Office of Religious Affair (KUA) and village level. Up to 2012 there are 8 Ahmadiyya couples that have to move to outside of Solok to be able to get their marriage certificate. Head of JAI Alahan Panjang gives the following explanation on the implementation of above ruling regarding prohibition to certify Ahmadiyya followers' marriage in his area.

> "…(this couple) they both are Ahmadiyya followers, they have fulfilled Wali Nagari's (Head of Village) requirements, got their NA (marriage recommendation letter) then proceed to the local Office of Religious Affair to set the date for their wedding, (however) the Office of Religious Affair cancelled the NA because he couple is Ahmadiyya followers. I tried to reason with them, but to no avail. We asked the Wali Nagari, he said this is a policy from Office of Foreign Affair (KUA). None of the above parties gave straight answer. We are tired, exhausted of matters like this."

Hindrance to register marriage put Ahmadiyya couple vulnerable to certain stigma. Husband and wife, Ahmadi E and R from Sukapura tell a story how they have to register their marriage in Cihideung, Tasikmalaya and was wedded by Naib Memed. Once FPI found out that Naib Memed has approved their marriage, they force him to ask the whole family of the couple to sign petition of exclusion from Ahmadiyya. Should he refused, FPI will accuse him of falsifying the address of the marriage couple and get him fined by ten of millions Rupiah."

> "We refused to sign the petition of exclusion from Ahmadiyya, and consequently our marriage certificate is withdrawn by Naib. There were also rumor that we are living together and that my wife is pregnant without legitimate husband. However, if we agreed to sign petition of exclusion from Ahmadiyya, they will make new family card (KK), Marriage Certificate and ID card free of charge. My wife resists. It is OK, as long as Allah knows, that I got married legally, my wife said,"as told by R.

The difficulty to register their marriage is also endured by Baha'i followers. According to Sheila Soraya (External Relation Assembly of Baha'i), Office of Civil Registry refused to registered Baha'i's couple marriage because Baha'i is yet to be acknowledged as official religion of Indonesia. As a result, in birth certificate, Baha'i children is considered children of unmarried women (under the mother's name), and at the back, on the footnote, the father's name is written. Letter from the Interior Minister to reaffirm that Baha'i is a religion has not generated ease in marriage registration.

Although this marriage certification problem applies to both men and women, the impact on women is different. As told by R, woman who does not have a marriage certificate could easily be stigmatized as immoral because she is willing to live together with a man. This defamation lasts her whole life, and applied to the children of this couple, since he/she will only bear the mother's name on the birth certificate. Legal consequence for women is also different. In the case of divorce or domestic violence, it will be difficult for her to get legal protection since the marriage is not registered by the state. Even though the Constitution Court rules that child's civil right does not depend on the parent's marriage, this right can only be confirmed with court ruling and DNA test. This is a difficult condition not only for the children but also for the women as the mother.

Dd and Y, members of GPDI Church Jatinangor, has similar experience when registering their marriage. One day before the wedding ceremony at the church, the reverend told him that the village official prohibits them to have the wedding ceremony at the church, because GPDI Church is sealed. At that time, all invitations are already sent.

> "I was in shock, and I cried. It is embarrassing, we have sent out the invitation to our friends and place of work, but we must cancel it. How can I face this? I was in a panic state. My friends were also disappointed, they wanted to come, but the ceremony has to move to Tasik. It is so far away…embarrassing, nobody should experience this. Why did my marriage have to be like this," Dd said. He looked deeply disappointed.

4.6 Disturbed Family Interaction

A mother will be saddened and depressed knowing that two of her children have different religious beliefs. As told by Mrs. Umah, a mother of Tajul Muluk (a Shi'a) and Rois al-Hukama (a Sunni) who live in Sampang, Madura. Mrs. Umah's role as peacemaker between her two feuding children in the name of religious belief is burdening her.

> "Three days ago, I went to Rois' house and asked his brother (Tajul) to be returned, but Rois pretend to be sleeping….although later he apologized to me, if they are still quarreling in the family, it is not acceptable for me, Rois said, he will not be in peace with his brother even until doomsday. Belief cannot be enforced to others. Good or bad deed only to be revealed in heaven."Mrs. Umah said.

Fractured in family relation due to different beliefs will spread to other things, for instance when they went to a funeral, Shia's women will be rejected by the Sunnis. The rice that they bring as offering will not be consumed, and be given to chicken instead. They will accuse that Shi'a does

not clean/bathed the dead, clothed the corpse in black fabric and have unlawful marriage. In society construction where women are expected to take care of family unity, being excluded from family interaction is a burden for women.

This kind of treatment is also endured by Ahmadiyya women. Mrs. W who lives in Manis Lor, Kuningan, is forbidden to take care of her non-Ahmadiyya family corpse, because Ahmadiyya is considered infidel and misguided. After deliberation with her non-Ahmadiyya family members, the funeral was allowed to proceed.

Becoming a widow is also an impact that women have to confront, in the face of divorce and polygamy threat should they insist to keep their belief as explained in previous chapter. Other dimension of intolerance on personal relations may result in the form of anger; disappointment towards the state projected in personal relation to the individual representing state's symbols. As told to Special Rapporteur by X, a member of congregation of HKBP Filadelfia. She is so disappointed that her husband, a police officer, appeared powerless to the intolerant mass interrupting church's service. This situation creates domestic tension between them. She said:

> "Until now, I feel a psychological pressure personally because my husband is a police officer in the other side. When others said bad thing about the police corps, I feel offended. Knowing that my husband's duty is in the anti-terrorist section, I was badly oppressed, and sometimes I am angry with him. I told him, you are able catch the most vicious terrorist, *why* can you handle this situation?"

4.7 Lost of Livelihood

Another impact of intolerance that women from religious minority group also have to confront is impoverishment due to loss of livelihood. Their right of employment and decent livelihood are also discriminated. During this monitoring, National Committee for Women documented at least five female teachers of Ahmadiyya, transferred and one female teacher of Baha'i expelled due to their belief. Transferred and expulsion is carried out and approved by official in the Education Board.

Because they are followers of Ahmadiyya, five female teachers who are also a government employee (PNS), transferred to other school, far from where they live in Ciampea District. Technical Operating Unit XV of Education Board in Ciampea, Mr. Entis Sutisna, sanctions this transfer. The reason given is community in Ciampea Udik rejected teachers from Ahmadiyya follower. Even Local Police Chief of Ciampea, on April 6th, 2011, visited the house of one the teacher and expressed that he could not guarantee safety for her and her fellow Ahmadiyya teachers. Reluctantly the five female teachers accepted the transfer order. Ironically, in the new

school they are still bullied and becoming subject of gossip, because they are followers of Ahmadiyya. Mrs. Ns said:

> "On March 26th, 2011, during the final test (UTS). That was the final day and I was working on answer sheet for PKN subject of the 5th grade. The principal called me to his office. I asked to be allowed to come after the 2nd test, his reply was very harsh: "When I ask for you now, you come immediately." At the UPTK, out of five, only two of us came, Mrs. A and Mrs. L. Once inside, head of UPTK said," You probably realized that currently we are in a situation. Therefore, it is best that this week, you all stayed at home, we will contact you again."

In this case, being transferred to another place, quiet a distance from where they live, is a form of punishment because of their belief in Ahmadiyya. According to the victim, the distance and the time spent to get to know the new school, in the current situation, made them anxious on the road. They also have to spent more money and energy to reach the school.

Mrs. S tells another story, she is a follower of Baha'i, in Lampung. Her husband was jailed for five years under the accusation of coerce teaching of children in their neighborhood. When her husband was arrested, Mrs. S, a math teacher at a Junior High School by profession, asked by head master to stay at home until the tension subsided, then she can teach again. However, after the tension subsided, Mrs. S was not accepted to teach again, with no clear justification.

> "My husband had his own electronic shop, I was a math teacher at a Junior High School. After the arrest, I still teach for the next 8 months. Then, the head master called me. After questioning, he asks me to stay at home for the time being. He would not reveal the reason. Maybe it has something to do with Baha'i. I told him, please have pity on me. My husband is jailed, and I was banned to teach," she said in grief.

Dismissal from work directly denied these women from their livelihood whilst at the same time they are the only breadwinner in the family. Other method of denying livelihood is allowing them to be outcasts, losing control of assets in their place of living. For a woman who was forcefully has to be a single parent and/or single breadwinner, this expulsion create multiple impacts on their life. They lose access to their land and farm as their source of livelihood. They cannot sell their assets because their ownership document was burnt down when their house was attacked or could only sell at a discount. As a result, they don't have the resource or capital to start a new life.

For those plan to build a new business, it is not easy as there will be disruption from intolerant groups. Mrs. R, wife of the jailed Baha'i because of his belief tell their story of struggle to live. Right after her husband was arrested, Mrs. R was threatened by the mass not to reopen the shop and do business in Sukadana.

"…We received information, madam, please do not reopen, if you do, they will be more irritated. When I reopened the shop, people cast stones at my house. There was a constant threat. My friend told me not to open the shop, they might burn down or vandalized your shop. Someone came over to the shop, and told me to clear up the merchandise…I pray daily, crying, and exhausted. Praying is remarkable, it give me peace. Now, when I go to the market, I have no fear that one might hurt me. I leave it all to God. Every day I visited the market, people say bad things to me, and I am all right. If someone cast stone at me, I will report this to officer," she said.

There are a lot story of a women struggling to work for their family living, who has lost their livelihood due to intolerance actions on many religious minority community. After the burning down of a mosque and the destruction of their house in Tolenjeng on 2011, family X, followers of Ahmadiyya, was forced to sign a petition of exclusion from Ahmadiyya. The family rejected it, they opted to move out from Tolenjeng, leave the house that they newly built, and took refuge in Depok. At that time, Mrs. X was pregnant. They did not live in Depok for long, then they move to Kawalu, Tasikmalaya, shared a house with other Ahmadiyya followers. In Kawalu, Mrs. X works all kind of jobs available to support her family, since her husband has fallen sick and was expelled from his job.

"In 2011, we live in a dorm, provided by my husband's employer. The morning after the attack, around 10 AM, my husband employer called, ask us to leave the dorm, because the employer knows that we are Ahmadiyya. My husband lost his job, here I took any job, stitching, ironing, sewing button and sell cakes to food stalls." Mrs. X tells her story."

4.8 Fear to Practice Religion and Trauma

Continuous intimidation, use of force and intolerance has caused women of religious minority groups living in ongoing fear, anxious of their safety, family and the future of their religious life and life in general. For those who endured the attack from intolerant groups directly, the event leaves a deep scar and trauma. The following quotes paint the picture of one losing a sense of security.

Mrs. Fo, member of GISI Christian congregation, Cirebon, said, after the sealing of their church, the congregation held service at Hotel Apita, Cirebon. However, they received threat not to carry on their worship there, and the hotel is also pressured by Islamic Organization. Due to intimidation, the congregations are afraid to come to worship and its member's number declined.

"Because of the pressure from intolerant group, the hotel officer feels intimidated and refused to house GISI congregation prayer service. According to the hotel, mass rally directed at the hotel is bad for business, hotel guests decreased in number, and they loss benefit. So we feel that we are under real terror, we cannot pray…"

As the leader of HKBP Getsemane Church, Father Pestarya Hutajulu, for instance, is constantly confused and worried every Sunday prior to service. Since September 2005, HKBP Getsemane Church, GEKINDO (Christian Church of Indonesia) and Church of Pentecostal Indonesia (GPdI) Jatimulya, Bekasi is forcefully closed by a 2-meter height wood board that totally prevent congregation to enter. As a result, all three churches are closed down and the congregation members have to carry out their service from shop houses. Father Pestarya says:

"…the trauma is there, for me personally…to be honest, when Friday comes 7, I started to get nervous for Sunday prayer. Everybody said that I am brave. But to be honest, starting every Friday, I started wondering….what next God, what else is out there, God. It is going on and on until the next Sunday arrived, it starts all over again…"

Anxiety of violence in intolerance action not only made member of the congregation uneasy, it also make them afraid to pray, especially female congregation member. Mrs. IK, as member of GKI Gratia said:

"As a result of this attack, female members of the congregation no longer come to pray. Before the attack, we can have more than 1000 attendance, after the attack, less than 400 come. Many female congregation chose not to attend activities at the building. They are hiding, afraid to be identified. Gratia open an elementary school for member's children, but the mothers are afraid to send their kids to Gratia. They are afraid of the impact of the attack on Gratia."

The same anxiety is also shared by Mrs. K, member of GBI Peunayong Banda Aceh. In the attack on Sunday, June 17, 2012, her face was on the local newspaper in Banda Aceh. Mrs. K is worried because her face was not covered at all. She said:

"When I met someone new, I have this voice inside of me, "Does he/she recognize me from the paper? Did he/she read the paper? In the newspaper article, my picture is shown. My husband wore a helmet, I did not. After the attack I wear veil to disguise my face."

As a wife of the congregation leader, Mrs. E expressed her concerns on the safety of her husband and the possibility of an attack to their house.

> "How did we get to this. I am worried for myself, afraid, how should I put it, if they (the perpetrators) come here. Ever since the threat, we did not live here anymore, we are at my in law's, we fenced the window because of this threat, when someone come, we take a peek first and see who is coming. We are frightened."

In a meeting with the Shia's women group in Nangkernang, Special Rapporteur team also received a report that when they get back from refuge after the December 2011 attack, women feel threatened of their daily life. News fly around from time to time of the possibilities of another attack, they are constantly on the edge. The first week back from the refuge, they did not sleep at their own home, in fear of another attack. They choose to sleep in the farm. On another occasion, Rm, who has just given birth, has to hide her newborn baby in the farm for a few times.

Deep trauma is also expressed in the story of how women fear the sound of automobile, broken objects, explosion, loud noise even the sound of *adzan*, yelling of *Allahu Akbar* or passing certain male with certain outfit. For example, a member of GKII Rancaekek congregation was attacked by a mass carrying FPI flags. A woman tells a story that after the sealing of the church, she still feels fear especially to the sound of ambulance and motorcycle. She can feel her heart beat faster, afraid that another violence might take place. In other instance, after the Cikeusik attack, Mrs. AA nervousness mixed with anger, resentment and sadness all mixed together when recalling the murder of her husband. She said:

> "…I often remembered the image of my late husband when looking at trees, I remember he was hanged on a tree. I am afraid and worried because a lot of time I hear rumor that people are coming here. I once carry a cleaver to bed, I tell my children if someone knock the door, we cut him with this cleaver…. Almost every night I sleep with a cleaver on my side. At that time, I still feel anger and resentment to those who murdered my husband, every day I cried when I remember my husband…"

4.9 Reflection

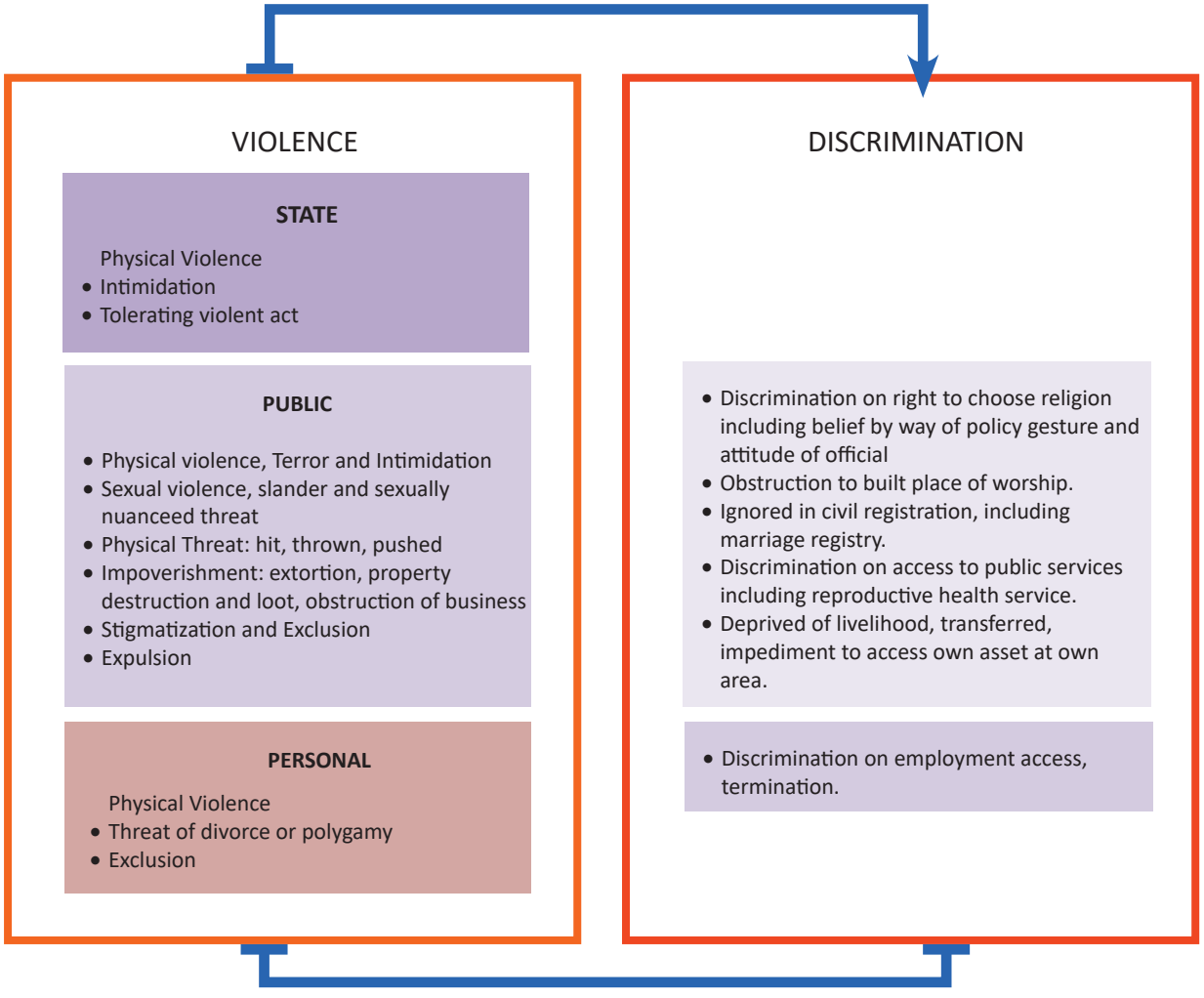
From the description above, we can draw conclusion that women have to deal with special kind of vulnerability towards violence, discrimination and impact of intolerance related to gender conception. That is related to the role as a wife, a mother and member of the society. From the human rights point of view, women from religious minority group experiences depicted above, can be divided into two categories, violence and discrimination.

As summarized in Diagram 2, violence and discrimination take place in personal, public and state sphere. Sphere is the term that refers to the relation of victim and perpetrators. In the

personal sphere, victims and perpetrators are in an intimate relationship, marriage, family or relatives. In public sphere, the perpetrators do not have such relationship and take action in the capacity of a member of the society, such as religious figure, public figure, member of an organization, friend, neighbor, or teacher. In the state sphere, the perpetrators are state and public officials, through direct or indirect actions to the victim. Violence and discrimination is closely related, especially because discrimination occurs mostly on the state sphere. In such case, discrimination that take place in state sphere nurtured violence based on religious intolerance, and those act of violence confirms the presence of discrimination.

Diagram 2

Sphere and Form of Vulnerability of Women from Religious Minority Group on Violence and Discrimination in General or based on Gender Specific.



Various issues of violence and discrimination have deprived women of their sense of security in all aspect of life. Diagram 3 summarized the impact faced by female victim.

Diagram 3

Impact of Violence and Discrimination endure by Women from Religious Minority Group.



These revealed experiences by women is related to gender construction, in a sense of how women educated to be a woman in a society. In general, the society prioritizes women's role and position as wife, companion to husband and a mother in the household. The framework that embedded women to domestic and nurturing role related to her reproductive potential is reinforced for years by the Law UU No 1 year of 1974 on Marriage. This framework becomes the universe of knowledge and behavior for many women. Therefore, it is not a surprise that what transpire from the revelation of women from religious minority group are concerns about children's education, family integrity and harmony in social interaction. As a wife, women must support the establishment of family integrity, calm, peace and even ensuring prosperity and sustainability of her family. As a mother, in general women cannot be separated from the role of her child/children caring, nurturing and education. In the meantime, as a member of society, they must nurture the social interaction by involving themselves in activities with communities

in the society. The threat of polygamy and divorce to coerce belief showed how problem in the macro level is a major influence in women personal life that take place as a subordinate in the family. Diagram 4 described women's universe of experience.

Diagram 4

Universe of Experience of Women Victim of Intolerance



That explained that the problem faced by women is not limited to physical, but also psychological, economic, social, legal and child's/children's education. Women who fall victim to intolerance stay strong and never give up. They never regret their choice of life path. They ask for one thing only, preservation of justice and human dignity in Indonesia.

Violation of Rights and State's Role

5.1 Violation of Rights

The state has the authority and power to ensure freedom of religion and belief, because the State has the binding power, both in the legally binding and morally binding sense. Since the State has ratified International Convention on Civil and Political Right, which in chapter 18 stated that The State was obligated to ensure freedom of religion and belief.

Constitutionally, the right of freedom religion or belief in Indonesia has a strong legal standing, since it is stated in the Indonesia Constitution 1945 (UUD RI 1945), the highest reference of a nation and state. Article 28E of Indonesia Constitution (UUD RI 1945) stated:

1. Every man is free to choose religion and pray according to their religion, to choose education and teaching, choose job, choose citizenship, choose place to live within the State's territory and to leave, and to return.
2. Every man has the right for freedom of belief, to express his mind and behavior, as his conscious dictate.

The warrant on freedom of religion and belief in Indonesia Constitution (UUD RI 1945) is also in accordance with the Convention of Civil and Political Right ratified by Indonesia through Law No. 12/2005 (UU No.12/2005), and in line with United Nations Declaration 1981 on eradication of all form of intolerance and discrimination on religion and belief. Violation on rights to freedom of religion and belief is, all forms of failure and neglect by the state in implementing it, such as interfering on individual right or failure to protect individual or group of individual targeted by intolerance, or criminal act based on religion or belief. Therefore, the State's intervention character in religious and belief should not be used to set restriction. The State's presence is on a warrant on freedom of religion and belief, including a warrant for the followers to exercise worship. Thus, what is required is not restrictive, discriminative and repressive laws, but more of a law that warrant freedom of religion and belief.

The State's role in providing protection and security to worship for all citizen is the spirit behind Law No 39/1999 (UU No 39/1999) on Human rights. **Article 8** stated *"Protection, advancement, establishment and fulfillment of human rights is the foremost obligation of the Government,"* and **article 71***"The Government is obliged and responsible to honor, protect, establish and advanced human rights as directed in this law, other laws, and International law on human rights ratified by the Republic of Indonesia."* However, the fact as revealed in previous chapters, the state in national or provincial level and below, has produced policies and actions against legal warranty on freedom of religion and

belief. Based on the women experiences mentioned above, we could recognize the relation between intolerance problem and its impact on violence and discrimination on women. From human rights point of view, violation on freedom of religion and belief is the reason why these women are experiencing violations on their other rights. Using the human rights framework – that have been warranted by Indonesia 1945 Constitution – there are at least 31 Constitutional right violation out of 12 right group (see Diagram 5)

Diagram 5

Violation on 31 Constitutional Rights of Women from Religious Minorities.
List of rights violated:



1. Right for religion that cannot be diminished in any circumstances, Article 28I, paragraph 1
2. Right to freedom of religion and worship according to the religion, Article 28E, paragraph 1
3. Right to independently chose a religion and worship according to religion and belief, Article 29, paragraph 2
4. Right to belief as dictate by his/her consciousness. Article 28 E, paragraph 2
5. Right for independent mind and consciousness, Article 28 I, paragraph 1
6. Right to express his/her mind and to act as dictate by his/her consciousness, Article 28 E, paragraph 2
7. Right to association, congregate, and express opinion, Article 28 and Article 28 E, paragraph 3
8. Right to be recognized as an individual before law that cannot be diminished in any circumstance, Article 28 I, paragraph 1
9. Right to equality before the law and government, Article 27, paragraph 1
10. Right for equal opportunity in the government, Article 28 D, paragraph 3
11. Right to acknowledgement, warrant, protection and fair legal security, Article 28 D, paragraph 1
12. Right to equality of treatment before the law, Article 28 D, paragraph 1
13. Right to sense of security, Article 28 G, paragraph 1
14. Right to protection from fear to act or not to act based on human rights, Article 28 G, paragraph 1
15. Right to freedom from abuse or degrading action to the human dignity, Article 28 G, paragraph 2
16. Right to live and survive life and living, Article 28 A, Article 28 I, paragraph 1
17. Right for protection of self, family, honor, dignity and property, Article 28 G, paragraph 1
18. Right for freedom of discrimination based on any cause, Article 28 I, paragraph 2
19. Right for protection from discriminative action, Article 28 I, paragraph 2
20. Right to received forthright or special treatment to obtained equal opportunity and benefit and achieved equality and justice, Article 28 H, paragraph 2
21. Right for job and decent living for humanity, Article 27, paragraph 2
22. Right to work and fair treatment and decent working relation, Article 28 D, paragraph 2
23. Right to build a family and have offspring through legitimate marriage, Article 28 B, paragraph 1
24. Right to live prosperous life, both materially and immaterially, Article 28 H, paragraph 1
25. Right for a place to live, Article 28 H, paragraph 1
26. Right for a good and healthy environment, Article 28 H, paragraph 1

27. Right for health service, Article 28 H, paragraph 1
28. Right for social security that enable self-development in whole as dignify human being, Article 28 H, paragraph 3
29. Right to own property, and that ownership is not to be taken away in any circumstances by anyone, Article 28 H, paragraph 4
30. Right to chose the education and teaching, Article 28 E, paragraph 1
31. Right to education, Article 31

The above constitutional rights is warranted in various law, specifically in Law Number 7/1984 (*UU No.7 Tahun 1984*) on Ratification of Elimination of All Forms of Discrimination against Women (CEDAW), Law Number 39/1999 (*UU. No 39 Tahun 1999*) On Human rights and Law Number 12/2005 (*UU No. 12 Tahun 2005*) on Ratification of Civil and Political Rights Convention. The number of rights being violated, omission on violence and discrimination could lead to severe violation of human rights.

In the context of violation of rights, the state is the direct perpetrator through actions of its officials or indirectly, through policy or omission of sustained intolerance, force and discrimination. This part is to underline the facts during monitoring on state institution role in this matter to seek solution for a better delivery of the state's responsibility.

5.2 National and Sub-national Government

5.2.1 Permit to build house of worship that do not be approved

The closing down of house of worship in Indonesia, is related to 2 Minister Joint Ruling Letter (SKB) Number 1/1969, revised in Joint Regulation of Two Ministers/ PBM 2 Minister Number 9 Year of 2006 and Number 8 Year of 2006. On the process of developing SKB into PBM, one of the aspects highlighted because of its discriminative nature, is article 4 paragraph 3 SKB Number 1/1969. This article is in question because it can be interpreted in multiple way and rightly so use to prevent building of house of worship. It stated "if deemed necessary, head of sub-national government or appointed officials, can ask for opinion from local religious organizations and clerics." This condition is interpreted by certain groups that if one wish to build house of worship, approval from local clerics is required. In addressing this problem, the government proposed a Draft of Joint Regulation of Minister of Religious Affair and Minister of Interior on Fostering Religious Harmony, Establishment of Religion Followers Harmony Forum and Building of House of Worship in sub-national, said to be the replacement or revision to SKB Number 1/1969. Turned out, this has limited the freedom to build house of worship. Therefore, Church Association of Indonesia (PGI) is motivated not to let the government revised this ruling by itself. In a publication titled: "On the Revising Process of SKB to PMB" issued by Diocese Section of PGI Jakarta in 2006, PGI stated that it is not true that PBM was

approved by the five National Assembly of Religion, instead all five Assembly of Religion has participated in the revision process to provide substantial inputs.

In the name of harmony and order, Joint Regulation of Minister of Religious Affair and Minister of Interior (PBM) Number 9 Year of 2006 and Number 8 Year of 2006 on Guideline on for head/vice head of sub-nationals on Fostering Religion Harmony, Empowerment of Religion Followers Harmony Forum, Building of House of Worship. Instead of being the set of rules and regulations referred to in issuance of permit to build of house of worship, the regulation becomes an institutionalization of discrimination. This PBM, consist of 30 articles refers to 15 legal products as its jurisdiction based, clearly aim to limit other groups rather than warrant freedom of religion. For instance, in article 13 (1), it regulates that building of house of worship is an actual necessity and essential based on number of population that required religious service in said area. This means building of house worship is limited by embedded certain qualification, which is "an actual necessity and essential". This requirement is then used to delay, or even not administered at all, the permit request from groups not wanting to have their own place of worship in certain location/area.

This situation is reflected on the closing down of church in Jatinangor sub-district. In an interview with Special Rapporteur Team, sub-district (Kecamatan) official stated that sub-district office will issue the permit if the requirements stated in Joint Regulation of Minister of Religious Affair and Minister of Interior (PBM) are fulfilled.

> "We are from the government side. People who wish to build their own house of worship, may it be a mosque or church, we must serve them. However, there are rules and procedures that must be fulfilled first, as per Joint Regulation of Minister of Religious Affair and Minister of Interior (PBM). Is it not right? (as said by the sub-district official of Jatinangor)."

Joint Regulation of Minister of Religious Affair and Minister of Interior (PBM) have cause numerous problems. Another example is in Riau. The community, based on Joint Regulation of Minister of Religious Affair and Minister of Interior (PBM), stopped an ongoing church construction.

> "We have said many times, there are procedures. We do not stop people from having their own place of worship, but you must have license. There must be 90 users and 60 signatures from the local people. Turned out this church construction does not have such recommendation. Because it was ignored, people closed them down, said Head of Welfare and Development Riau."

In Aceh, there are even more discriminative regulations at place. At the national level, the requirement is for 90 users and approval of 60 local residents from other religion, in Aceh such rule becomes 150 users and 120 local residents' approval. Consequently, it is very difficult to request for a permit to build church or other house of worship. Closing down of house of worship happened in some area in Aceh Singkil. In dealing the situation, 2013 Chief of local Police AKBP Safriyanto reasoned:

> "What we have here is not stopping people to worship, but the government sealed a house of worship, a place to worship or building without license. It is free to worship. This nation does not wish its citizen not to practice religion. Sealed does not mean barricaded or locked down as you have associated, rather that the construction is not allowed to proceed or permitted to rebuild. They are the one who have the key."

In the case of attack on GBI Banda Aceh by the people that happened on Sunday, June 17th, 2012, people reasoned that the certain location is not permitted to be used as house of worship. However, the church was established long time ago in Banda Aceh, but the location is far from its follower's house. For the time being, GBI moved to a shop house. 60 congregation member was at a service that Sunday (men, women and children) was attacked by group of people. Aceh City Police secured them and moved them using covered transportation. That night they flee Aceh for Medan, they are afraid because they are a resident of Banda Aceh. Head of Peunayong village, Banda Aceh, said:

> "That shop house is inhibited by 5 people, but only 2 are registered in Peunayong village. The shop house is yet to have license as place of worship for Bethel Church of Indonesia (GBI), and yet to have license as place for private studying. I have already reminded the leaders to process their licenses. However, all of the sudden people come the shop house while they are praying. I have asked them, why don't you pray in GBIP, they said they are different sect."

For religious minority group members that try to challenge this discriminative regulation, they end up criminalized. Mrs. Cory, wife of Father Bernard Maukur from Pentecost Church in Indonesia, Jatinangor, West Java, for instance, tell the difficulty they face as an impact of discriminative regulation. At least 4 locations of their place of worship were attacked by FPI. The first was on July 21st, 2011, FPI dismiss and evict youth service, on the second attack, on October 27th, 2011, FPI force a closed down of kindergarten and sealed the church. On the third action, June 19th, 2012, FPI ripped apart fences and put up a banner and threatened to burn down the house and church of Mrs. Cory and her family. The same FPI is back in action on July 15th, 2012, they attack an ongoing praying and force to stop the worship, evict the followers and ceased church's equipment together with Civil Police. The church is operating since 1985,

and when they expand in 2002, the church has proposed for a permit from head of village by submitting documents of followers and local resident's approval. However, this license is yet to be materialized. On the other hand, Father Bernard Maukur was criminalized, sentenced to 3 months' jail time by the Sumedang Court for violation on building and usage of unlicensed building. The plea for support from President SBY to end the criminalization is not successful. In the case of obstruction on building house of worship, GKI Yasmin and HKBP Filadelfia cases are the highlights on the State's seriousness to warrant freedom of religion. Political pressure from intolerant group has resulted in freezing out the obstruction of building house of worship case. As explained in Chapter 3, Supreme Court Rule Number 45/Td.TUN/VI/2011 and Recommendation from Ombudsman Indonesia Number 0011/REK/0259.2010/BS-15/VII/2011 reaffirm that revoking license to build GKI Yasmin is against the law. President SBY has also responded to this in 2011, that this case should be settled. Ever since, there is no change at all. Congregation of GKI Taman Yasmin is still not allowed to use the land to build their church as what Supreme Court ruled. On the other hands, the pressure to accept relocation gain traction. Those that wish to uphold the law is accused of being stubborn, even among their internal mechanism (GKI Court). The same situation was also felt by congregation of HKBP Filadelfia, even though they already gain of Jakarta Higher State Administrative Court Ruling (PTUN) Number 225/B/2010/PT.TUN.JKT dated March 30th, 2011 that ordered Head of District to issue building license for HKBP Filadelfia.

Although there is no significant change, Special Rapporteur noted that certain field operators might assist in finding solution for this problem. They are trapped in the middle. On one side, they are afraid because they are on their own in confronting intolerant group. On the other side, their conscious is disturbed by the pain endure by people who cannot worship in peace. For example, one head of sub-district in West Java who also has intolerance case in his area, told Special Rapporteur Team that he tries to bring all parties involved together. To ease the tension, he asks the community not to dispute the worship that take place by giving a depiction in Islam, there are some people who go to Quran recital during funeral(*tahlilan*) and some people who go to Quranic study (*ngaji*).Some of these events can only be participated family member. However, when someone invites others outside of the family, this caused a discontent. This development convinced him that he alone cannot solved this, a strong commitment from the National level government required.

> "When a conflict based on religious happen, it is a sensitive matter that potentially can be a big blow…. We all know that in the end Unity of Indonesia (NKRI) is at stake. Do we want Indonesia under Islamic Law? Surely not, we hold Pancasila. I am looking at this from a bureaucrat point of view, as a servant to the people. People who wish to visit a club are allowed, a massage parlor is allowed, and how come we forbid them to build a church? There must be something wrong, right?

Many ways, either by law, government regulation, Presidential Decree or Joint Rule. We need a rule where city and district government are obliged to provide land for minorities to practice their religion. If not, we have a potential national conflict. Do not give this to head of sub-district or village to handle. This is a national conflict, please do not give this to us to solved," he proposed.

5.2.2 Judgment of Belief

Discriminative regulations that instigates violation on freedom of religion also rooted on Law Number 1/PNPS/1965 (UU No.1/PNPS/1965) on Prevention, Abuse and Desecration of Religion. As it progresses, on the operational level, on January 15th, 1974, the state formed Coordinating Agency for Supervision of Community Belief (BAKORPAKEM), which authorized the agency to supervise existence of organization and groups of believes. This Agency consists of Attorney General, Police, Ministry of Religious Affair, Ministry of Home Affairs, Ministry of Culture and Tourism, Ministry of Law and Human rights and the Arm Force. Subsequently, in 1975, the State formed Indonesia Assembly of Clerics (MUI), an organization that is taken as a representative of one the religion in matters like freedom of religion through its *fatwa* (ruling). This organization affects a lot of social-religious life of the population. One of the rulings issued is pertaining follower of Ahmadiyya in Kuningan.

On April 16th, 2008, BAKORPAKEM stated that Ahmadiyya is a distortion of Islam, and on June 9th, 2008, a Joint Ministry (Ministry of Religious Affair, Ministry of Home Affairs, and Attorney General) Decision number 3 Year of 2008, Number KEP-003/JA/6/2008 and Number 199 Year of 2008 is issued, in which it gives a warning and order for followers, member and/or member of assembly of Jemaah Ahmadiyya. Prior to that, an Attorney General letter from 1983, and 1984 Circulating Letter of Department of Religious affair has banned dissemination of Ahmadiyya, verbally or in writing. This Joint Ministry Decision came after large attacks on followers of Ahmadiyya in West Java and West Nusa Tenggara happenes. From 2001 up to 2013, there are at least 38 sub-national regulation related to banning of dissemination of Ahmadiyya. Aside from grounding by the national policy, sub-national regulation is heavily influenced by local political dynamics and MUI's stance in that area. MUI Kuningan, for instance, issue a recommendation Number 38 MUI-kab/VI/2010 addressed to the Head of District to seized Ahmadiyya assets and instigate district regulation to ban Ahmadiyya in Kuningan.

These regulations, directly or indirectly are the reason for the closing down and vandalism of Ahmadiyya mosque, such as mosque in Pancoran, East Lombok. The followers were evacuated to District Police Head Quarter Hall, and Army Head Quarter in East Lombok. Later they take refuge in Transito Dorm, Mataram, up to now. Ahmadiyya mosques in West Java were also vandalized, such as At-Taqwa Mosque in village I and Al-Hidayah in village VI,

Manislor, Jalaksana, Kuningan. Three mosques in Neglasari, Sukadana, Campaka, Cianjur also in Parakan Salak, Sukabumi were vandalized, and an attempt to burn down Al-Hidayah mosque in Kebayoran Lama, South Jakarta by an unknown man. At the tip of violation on Ahmadiyya followers is the Cikeusik attack on February 6th, 2011, and the vandalism and closing down of Ahmadiyya mosque is ongoing after that.

By Law Number 1/PNPS/1965 above, people that are considered worshipping stray religion are criminalized. The Shi'a and Baha'i case in this dossier is example to that. Cases like this hurt mandate of the Constitution to warrant right to freedom of religion, so a group of people repeatedly ask the state to ceased criminalization based on faith[1213].

In warrant of right to freedom of religion related to interpretation on Law Number1/ PNPS/1965, Ministry of Religious Affair plays a central role. In consultation with victim communities, it revealed the deep disappointment on the role of the previous Minister of Religious Affair Mr. Suryadharma Ali. He often participates in heightening the tension rather than bringing all Muslim population of Indonesia together. For example, Suryadharma Ali stated that Ahmadiyya is stray and disbanding Ahmadiyya is more beneficial.[1314] That said frame of thinking, branches of Ministry of Religious Affairs in many areas embark on 'development' program to convert Ahmadiyya followers. In Tasikmalaya, Suryadharma Ali reported to be moved witnessing a 'repentance' ceremony of Ahmadiyya followers. In the case in Sampang, Suryadharma Ali proposed to local clerics that Shia's follower to be 'enlightened' so they have the same view on Islam. This proposal proof that government inclined to listen to intolerance group rather than 'enlightened' them with understanding of tolerance and being member of population that uphold Unity in Diversity (*Bhinneka Tunggal Ika*). In Baha'i case, even though the result of a study conducted by Research and Development of Ministry of Home Affairs has been submitted, The Ministry never take the next step to stop judgment on belief on Baha'i follower.

Special Rapporteur noted that the change of Minister in the Ministry of Religious Affair brought in change in the state stance in dealing with intolerance. On June 9th, 2014, Lukman Hakim Syaifuddin was sworn in by President SBY to replace Suryadharma Ali, who is detained by Corruption Eradication Commission (KPK) on the suspicion of Haj Pilgrimage corruption. Lukman Hakim is retained as Minister of Religious Affair when President Joko Widodo administration takes office. In contrast with previous minister, Suryadharma Ali, Minister Lukman Hakim open room for dialog and in-depth research on teaching and sect at dispute,

12 [13]ICRP, Setara Institute, Wahid Institute, CRCS, ELSAM, Human rights Watch, Amnesty International report related to this issue is example of public pressure to the state to ceased criminalization based on faith and take proactive steps to settled intolerance problem, and protect victims, aside report from independent mechanism such as National Commission on Women, National Commission on Human rights, KPAI, LPSK, and ORI, separately or in joint monitoring on this subject.

13 [14]http://www.nu.or.id/a,public-m,dinamic-s,detail-ids,1-id,24042-lang,id-c,warta-t,Menag++Ajaran+Ahmadiyya+Sesat.phpx dan http://www.nu.or.id/a,public-m,dinamic-s,detail-ids,1-id,24481-lang,id-c,warta-t,Menag++Membubarkan+Ahmadiyya+Jauh+Lebih+Bermanfaat-.phpx downloaded on June 25th, 2014 at 04.00 PM Western Indonesia Time.

especially Ahmadiyya and Shi'a. This will bridge unfamiliarity and nurture mutual respect on beliefs in the population. He also held meetings with other religious minority groups, including faith sect, life faith and follower of ancestor's faith. Representative of GKI Yasmin, HKBP Filadelfia and other churches have also had meeting with him.

Lukman's move to ensure delivery of state's responsibility in fulfilling right to freedom of religion and worship is anticipated by many. On July 24th, 2014, Minister of Religious Affair Lukman Hakim started it by issuing a letter Number MA/276/2014 to the Interior Ministry that Baha'i is a religion that is developing in Indonesia. Thus, in line with Constitution mandate and Law Number 1/PNPS/1965, Baha'i is a protected religion, therefore entitled to Government service in Citizenship, Civil Registry, Education, Law and other as instructed by the law.
Albeit this letter that was issued from Ministry of Religious Affair, until the end of 2014, Bahai'i followers are yet to able to documented their civil rights, such as marriage registry, obtained birth certificate like others, and Family Card and to received religious education at school and still face problems on burial. Interior Ministry holds the key role in improvement of this situation, so too other intolerance cases described in this monitoring report.

5.2.3 Treatment of Refugee

In chapter 3, specifically in section 4.5, victims experience various problem they face as refugee of intolerance act, especially followers of Ahmadiyya and Shi'a. In summary, there are three major problems they face as an impact of loss of right to freedom religion. *First*, right to security. *Second*, right for decent life. *Third*, right for property and place to live.

In the same location or in a safe house in separate locations from other followers, security for the refugee is fake notion. Repeated attack caused women refugee to doubt that security officials are serious in ensuring their safety. As if the safe space is only available in the refugee camp; when they go out of the camp they have to confront possibilities of slander or intimidation. Threat can also be present at the refugee camp, through the so called 'enlightened' program, which is basically, is a measure to force them to convert. This threat is genuine, because repeatedly they are confronted with the choice to stay at the refugee camp for indefinite time or come back to their homeland with one condition that they convert. In the meantime, camp condition is scarce of facilities and discrimination on several aspects of public service has made refugees live in inadequate life condition. Support for refugee from the government is on temporary basis, limited and hardly reflect their needs. For women, inadequate life condition brings multiple impacts that led to impoverishment of women and vulnerable to violence. Aside from settlement of the violence case in the hope it never happens again in the future, going back home and live in their own house is the hope of all refugees. However, access to their property is difficult let alone coming back home.

On all three problems, women refugees complained about the government partial treatment and lack of significance. The option made by both National and local government to "temporarily moved" Sampang refugee to a Sports Hall in Sidoarjo, instead of accelerating reconciliation process, put more emphasis that people are evicted due to their faith. The fate of Ahmadiyya refuge is also hanging, Transito camp has existed for 9 years on February 2015 and intolerance condition has been standing still is a proof that the state does not have comprehensive strategy in returning them to their home town. On the contrary, the government repeatedly signals that converting is the only way for sense of security and access to their property and houses they want. For example, letter from West Nusa Tenggara government Number 451/726/Adm. Kesra dated July 30th, still emphasis on development program of 'bring them back to the correct way' for followers of Ahmadiyya at Transito, Praya and West Nusa Tenggara refugee camp.

5.3 Office of Religious Affair (KUA)

The recurring problems occur in this documentation is a difficulty to documenting marriage, especially for Ahmadiyya and Baha'i followers. For Ahmadiyya followers, as part of the Muslim community in Indonesia, they register their marriage in the Office of Religious Affair (KUA). However, since the Joint 3 Minister Letter on Ahmadiyya takes effect, they find it difficult to gain access to this public service. Office of Religious Affair Tasikmalaya, for instance, stated that Ahmadiyya marriage can be registered in KUA with the condition that they declared to be Islam. However, in the implementation, aside from Salawu sub-district, couples are required to sign a petition of exclusion from Ahmadiyya before registering marriage.

Mr. E, a KUA official in one of the district in West Sumatra, who were reported to refuse to register Ahmadiyya marriage explained that such stance is in accordance to existing regulation. According to him:

> "Our duty here is to legitimize marriage of Muslims and MUI stated that Ahmadiyya is not Islam. That is our postulate. With the important figures, here, including *Wali Nagari*, we decide not to grant Ahmadiyya with marriage certificate, unless they want to convert to Islam. The purpose is, as a warning for other Muslims, if they chose to be outside Islam, that is the risk…We are not reprimanded by our supervisor, therefore what we do is correct."

Special Rapporteur understands that MUI ruling (fatwa) is often made as point of reference in the case of intolerance. This is the stance in the community and also in the government officials. Looking at the path to discrimination on Ahmadiyya and Shi'a, MUI ruling is used as reference in discriminating policy development on national and local level.
However, tolerant KUA official do exist, for instance J, from West Java Barat. According to

him, in carrying out their duty, KUA official must follow the Law Number 1 year of 1974 and other binding regulations and procedures. For him, it is not possible for KUA to interfere with certain faith, because to do so will be a never-ending problem. As long as the couple meets the administrative and document requirement, KUA must register and document their marriage.

"Related to KUA that refuse to register Ahmadiyya follower or certain sect, officials in that KUA is a fanatic and narrow point of view, and mix personal problem with other marriage. KUA will forego pre-marital guidance for couples to find out their level of understanding of Islam in relation to marriage. During the session, we are aware that each person understanding level is not the same. However, KUA does not put the emphasis on that matters. I fulfill my duty as my responsibility to serve the public. If this institution is easily intervened, that is weak. That is my principal. Even when intervention from public exists, KUA have to proceed according to existing regulation. That is the standard." assert J, an official with KUA in West Java.

This dissenting opinion showed that the state must take a more neutral role and protective in dealing with intolerance problem, to prevent more violation of rights. In this case the right for equality before the law and government and right to form a family and have offspring in a legitimate marriage. According to Law Number 1 year of 1974, legitimate marriage means a marriage based on the religion of the couple and documented by the state. The government needs to ensure that neutral and non-discriminative stance is a driving policy in delivering service to public, in marriage registry as well as in other matters.

5.4 The Police

Other than the government, state institution that is usually put under the spotlight by intolerance victim communities in this monitoring is The Indonesia Police (POLRI). Ideally, POLRI officials are in the front line of maintaining order and warrant safety to citizens, individually or collectively and are prohibited, for whatever reasons, show biased stance towards a group or any communities.

In executing its duty to protect the community, the police should adhere to the internal policy that is to accommodate human rights, among others:

1. Regulation of Chief of Police (Perkap) Number 8 year of 2009 on implementation of Human rights principals and standards in performing the duty of the Indonesian Police.
2. Regulation of Chief of Police (Perkap) Number 7 year of 2008 on basic standard guidance and implementation of policing the community in performing POLRI's duties.
3. Regulation of Chief of Police Number 1 year of 2009 on the use of force in policing.

4. Various regulations related to crowd control and the use of force that supposed to strengthen the Police role as the protector of Human rights for the people.

Referring to above policies, POLRI can use force to prevent violence toward communities. However, the use of such force must fulfill the proportionality and legal requirements, based on the necessity and accountability.

> "Going back to main duty of POLRI, not in the context of *akidah*, but to protect the property, body and soul. We will continue to search for the perpetrators of vandalism, as for *akidah*, in my opinion, is not the responsibility of the Police. We have done that, said AKBP Irman Sugirman, Tasikmalaya Chief of Police."

However, continually during meetings with various minority religion communities, Special Rapporteur often received information that Police officers tend to be reluctant when confronting with group of people using religious attribute. They appear to be insensitive towards vulnerable minority groups that need help, and are often late, even showed omission. Referring to the GKI Taman Yasmin case, for instance, during worship, Bambang Budianto (Chief of Municipal Police City of Bogor) ordered his officers to disband forcefully and try to transfer all congregation members to Harmoni Building. In such situation, the police gave no response the action of Civil Police, although they received a complaint from mothers of GKI Taman Yasmin.

The same situation happens to followers of Ahmadiyya Cikeusik. As the attacking mob grows bigger, they vandalized houses and vehicles belong to JAI Cikeusik followers, they also gang up on followers of JAI Ahmadiyya on the crime scene. There were three JAI members became the victims of the mob brutality. They threw stones, bamboo and stomped them until they lost their life. Although some police officers tried to push the mob back to prevent physical violence, the officers' order was ignored. Meanwhile, other security officers, including Armed Forces apparatus, stood still and watched the mob casted stones on the house of Ahmadiyya clerics. From a video record, there was a police officer whom seemed busy documenting such brutal attack.

Nevertheless, should one say that the Police has conducted a desertion, they will deny. The Police makes the excuse that the attackers and intolerance mob outnumbered and overwhelmed them, so they could not secure and safe victim at the location immediately. Confront with the accusation of the burned down mosque of Ahmadiyya in Tasikmalaya, local Chief of Police at the time, AKBP Irman Sugiman, said:

> "We have secured the mob in some locations. However, when we covered the front, they attacked from the back area. There were indeed too many people in the mob. As for the word "desertion", a TV station interviewed me for an hour. I told them:

who did the desertion? You could explicitly saw that in the incident have the police not carried out their duties well? He said a bit annoyed. We have also undertake mediation and approach by dialog, he said."

The excuse of having limited officers brings out new question on the readiness of the police to handle the situation. In various intolerance incidents and violence, the news about incoming attack or upsurge of a conflict has disseminated earlier within the community. Hate speech and mob gathering carried out openly, thus, the police should be able to anticipate number of forces required and coordinate across units and area to take matters into their hands. The question on Police readiness is heightened, since in different cases, for instance in controlling peoples rally in a company, there is a difference in the number of officers assigned and the repressive actions taken. Study on policing religious conflict in Indonesia (Panggabean and Ali Fauzi, 2014) reveal that there are layers of problems that cause the police corps appear to be hesitant in handling intolerance cases. There are layers of personal structure that include legal and procedural framework as reference, local police organization character, resources, culture of policing, local politics and pressure from public opinion. There are also layers of knowledge, namely the understanding on the said legal and procedural framework, knowledge about conflict issue and perception towards the situation faced. Other layers are interaction among parties on dispute and between those parties with the police.

However, this monitoring also noted the situation where the police perceived to be helpful to victim to overcome thread of violence by intolerance groups. In the case of the business of Mrs. R, Baha'i followers, in which she became the single bread winner as her husband is jailed, the police succeeded in stopping violence act on her. Mrs. R remembers that there were 15 people that often throw stone at her shop. One of them is Mr. H, a Muslim figure lives at the market near the shop and own a small mosque. He pressured Mrs. R to convert if she wants to continue her business.

"Since he continuously threatened me, I was afraid and report it to the local police office. I told them that I really need their help. Then, I was told not to open my business on Sunday, since they lack of officers on that day. Also, that the police will take legal action if the stoning continues. When I opened my shop, there were police officers visited Mr. H. He said that tomorrow I would open my shop, and if he found continued to threaten, the police will take legal action. At last, Mr. H and also Mr. T, sign a letter to leave Baha'i follower alone, she said."

Other exemplary figure in good policing to overcome intolerance act is Kuningan former Chief of Police, AKBP Yoyoh Indayah. He was regarded as firm in ensuring protection for violence on minority groups by intolerance groups. AKBP Yoyoh Indayah's leadership has successfully

prevented anti-Ahmadiyya violent acts by positioning his officers as guardian of the community security.

The good example shows that the state can take a more proactive demeanor and be firm in dealing with intolerance act. Unfortunately, this demeanor tends to be more on the individual rather than on the institution. Victims, as reveal in chapter 3 and 4, questioned the lack of policing on open intimidation shown on various banners and signage, flyers, also hate speech through speakers during religious activities, that all people can hear it. There is also a situation where the police is believed to participate in intimidation by visiting home of community member and ask not to mingle with the intolerance group. The police also often neglect complains from minority groups on the violence threat, on the contrary, immediately take legal action on complain from intolerance group towards minority groups. This is also happened in the context of an attack like the criminalization case the significant figure of GKI Yasmin, HKBP Filadelfia and Ahmadiyya on the Cikeusik attack. Special Rapporteur also receive information that the police corps did not follow up legal proceedings on the alleged perpetrators in violence case on Ahmadiyya in West Nusa Tenggara, the reason being to prevent new conflict. The police are perceived tend to take the easier way to handle conflict, which is by placing the minority group as the arrangement target. It is not a surprise that the Police corps more often considered to appear more intimidating and repressive towards victims. As a result, the police are more often is judged as perpetrator of human rights violators; perpetuate impunity and obstructing victim's access to justice.

5.5. Regional Police Division (*Satpol PP)*

In fact, the actors of violation of freedom of religion/belief are spread in various states institutions, or as the individual of state institution. In this monitoring, institution mentioned by women victims other than the government (national or local), law enforcement officers (the Police), is regional police division (Satpol PP), as the extension of local government in upholding local regulation, and national coordination with Ministry of Home Affairs.

Special Rapporteur received information that church community that was forcefully closed down faces threat related to worship. This threat came from groups calling themselves *GAPAS, FPI, FORKAMI, GARIS* or other unidentified mass groups. These mass groups come to the church bringing a large number of people with them and demand the worship place to be closed down, dismissed worship service in progress, prohibit other religious activities, even sealed worship place. Those organizations were able to, unimpededly, take such actions without prohibition from legal enforcers or government officials that present at the location. As the operating party to uphold local regulations, *Satpol PP* is the participating party for repressive action and sealing place of worship takes place in line with the discriminative policies issued

in that local area. Mrs. HS, for instance, told a story that on May 1st, 2012 when closing down on GKKPD church happened in Simpang Kanan District, Aceh Singkil, a group consists of *Satpol PP*, government agencies and Aceh Singkil Police who were present there, stood still and watched the sealing done by *FPI*.

It is important to note that based on Government Regulation Number 6 of 2010, *Satpol PP* was established to administer public order, and community composure. Therefore, in Chapter 8, it is stated that in performing their duties, *Satpol PP* must uphold law and human rights. By the presence of Satpol PP during sealing of place of worship or in the repressive action based on discriminative policies, then the state is present as the direct perpetrator of violation on freedom of religion rights.

5.6 Interfaith Religious Harmony Forum (FKUB)

Interfaith Religious Harmony Forum (FKUB) is an institution established by the government, consist of religious leaders with the purpose to open cross religion dialog. FKUB plays role in building place of worship. Based on Joint Rules of two Ministers on place of worship build up, aside from at least 90 names and ID card using the place of worship, legalized by local officials, according the area boundaries, approval from 60 local residents, legalized by Head of Village, Recommendation form Head of Local Ministry of Religious Affair Office district or town, and written recommendation from FKUB district or town.

In this monitoring, Special Rapporteur noted that in some resolved intolerance on building of worship place cases, the leadership of figure in the *FKUB* is a contributing factor. For example, in resolving the forced lowering of a Buddha statue in Tanjung Balai, ceased of Catholic Church construction in Sanggau, West Kalimantan, and of protest on building of al-Faidah Mosque at Liliba Village Housing Complex, City of Kupang.

This kind of leadership, however, is a rare commodity during FKUB monitoring. FKUB member composition that utilized groups representation politic can make FKUB as a medium to impede, instead of to facilitate, the building of place of worship. FKUB also cannot work effectively due to limited support to its program. In Kupang for instance, FKUB's work is limited even though they have their own office. L, a member of FKUB in Kupang, East Nusa Tenggara, recognized that FKUB would function more effectively if they were given a larger space to improve understanding about tolerance in the community. L suggested:

> "The population must be educated, especially on civics education, because many people go back to their old habit, unite with his/her religion, tribe, but not integrate to the nation of Indonesia…This should be the responsibility of FKUB. So its functions not merely limited to stamp and hand out recommendation."

5.7 Reflection

Field data and various existing regulations and laws, reflect the contradiction and legal misleading that caused ambiguous government and law enforcement officers' standpoint in dealing with freedom of religion problems. On one side, the government warrants freedom of religion and belief for every citizen. On the other side, the government established various regulations that put a limit to the freedom. Strangely, those various restrictive regulations become the point of reference and legitimacy of many violent conducts towards vulnerable followers of minority religions and beliefs, may it be conducted by community groups or states officials.
Victims and civil community have put various efforts to minimize those misleads, by revoking such discriminative regulations and replaced them with new regulations that firmly guarantee constitutional rights on freedom of religions/beliefs. This mechanism was, in fact, taken by civil society, for instance by proposing a judicial review on the said contradictive laws and regulation. However, this effort has not shown significant result. That implies that, the effort to develop state's protection on vulnerable minority religion groups by way of legal formal approach result in opposing outcome.

Other than formal legal approach, victims and civil societies also conduct various efforts through the cultural approach. This effort is important, but progress slowly because in general communities are blanket by the discriminative government and legal atmosphere. Communities with dissenting opinion with intolerant groups also cautious in revealing their opinion, in fear of lack of safety warrant.

What have happened shows that law and legal contradiction and 'coaching' program have restraint the State in delivering protection function to its citizen. The State is even an active perpetrator of human rights violations, through an action or omission. With the high number of human rights violations, the State's demeanor indicates that intolerance situation that occur widely, systemic, and using existing structure is in the direction of severe human rights violation. It is important to have further review to find strategic and comprehensive corrective actions to stop impunity, open up access to justice and recovery to the victims, and ensuring similar incident not to happen again in the future.

CONCLUSION and RECOMMENDATION

Conclusion

1. The monitoring for the period of June 2012 up to June 2013 carried out by Special Rapporteur found that women from religious minority group feels that level of intolerance and violence level is higher. This is confirmed by data gathered by numerous organizations that monitor intolerance cases. This intensity is mainly felt due to almost no cases in previous years were comprehensively resolved.

2. Increased intolerance and violence on freedom of religion cannot be separated from the state's responsibility, which up to this date remain constantly stand towards discriminative policy on religious minority groups, due to:
   a. Still allow citizen criminalization based on religion and belief (Law Number 1/PNPS/1965, Article 156a of the Criminal Code)
   b. Differentiate 6 official religions and other religions, and give the authority to the government to decide which faith interpretation is allowed to prosper and which one is not in Indonesia (Law Number 1/PNPS/1965 and its derivative regulation, such as 2008 Joint Decree of Ministry of Religious Affair, Ministry of Home Affairs and Attorney General on Prohibition of Dissemination of Ahmadiyya)
   c. Limit access to building of place of worship by administrative reason (2006 Joint Regulation Number 8 and 9 of Ministry of Religious Affairs and Ministry of Home Affairs)

3. Increased violation on rights for freedom of religions and beliefs by government officials as a result of discriminative policies as listed in point 2. This situation is triggered by continuous religion's politics by government officials' especially who are also political elites for the purpose of political and election benefits (see Chapter 3). Government official refers to executive, legislative and law enforcement officers at national and sub national level. For example Minister of Religious Affairs and its hierarchy, Ministry of Home Affairs and its hierarchy, Central and Local House of Representative, Head of provincial and regional government and related Local Government Unit (). In the case of GKI Yasmin, Bogor and HKBP Filadelfia, Bekasi, local government conduct disobedience on law on the Supreme Court ruling that favor GKI Yasmin and HKBP Filadelfia, without any sanction from the state.

4. Unfair and unaccountable legal proceeding affecting the increasing of religious intolerance. Monitoring results, interviews with victims, and review of reports on legal proceedings on

religious intolerance cases (see Chapter 3 and 5) showed partiality of police corps in several violences and attack on religious minority communities, conduct omission and prioritize complaint from perpetrators.

5. Existing court system is yet to be equipped with the infrastructure for protection of victim-witness and facilitators, thus, the trial proceeding is unfair and perpetrators received light sentence. Courts also fail to recognize the fulfillment of victims and communities 'rights on rehabilitation, restitution and compensation.
6. Violation on freedom of religions or beliefs left suffering and heavy burden on women and children, sociologically, economically and psychologically. This suffering is felt not only during attack, also continuously post the violence.

7. Sociologically, in their role as wife and mother, women victims reveal a lot of concerns on family unity, especially about children's education and future, and tension with the husband.
   7.1. In Indonesian community cultural value, reiterated by Law Number 1 Year of 1974 on Marriage, women are positioned as a mother who is responsible to take care of the children. As a consequence, in the context of religious intolerance on women as mothers, constant concerns arise on child's teaching of religious/morality. For instance they cannot attend Sunday school, cannot or denied to follow Qur'anic recitation at place they wish to, religious teacher is provided and pressure on child to participate in certain religious subject, which can result in fail to promote to next grade. This is also a violation of parent's right on religious teaching for their children as part of freedom of religion.
   7.2. In her role as mother, women face the growing hatred in children towards different religion and belief communities and also hatred towards government officials.
   7.3 Women as mother always feel unsafe, therefore she works hard to prepare her children for unsavory possibilities that might happen including confronting slander from colleague, and attacking from intolerance groups.

8. Increase religious intolerance also creates tension between husband and wife's relation. Perversion labeling on certain religion or belief may be used by the big family or spouse to force one of the party to deny the religion or belief in question or press on for a divorce.

9. Religious intolerance also caused women become head of the family, single parent and single breadwinner due to husband decease on attack or jailed because of his faith (see chapter 3 and 4). In this situation, burden on women multiply because of:
   - evicted from the house and lost assets and properties
   - business they built is constantly under disturbance

In this situation, women's reaction varies: some remarried, some chose not to. Some opt to take over the responsibility for the continuing life of the family, and also lead the community (see chapter 4)

10. Economic suffering and great burden on women victim are:
    - Fired from work as teacher because her husband is a Baha'i and accused of the belief dissemination, and the impossibility to be teacher in other place
    - Female teacher transferred to a new location further away from her place of living that make her has to spend more money on transport and always worry on the road, fear of violence. In the new working place she feels uncomfortable because taken as an outsider. All this because she follows Ahmadiyya.
    - Impoverishment process endures by Ahmadiyya and Shi'a women as they were evicted from their place of living, which led to total loss of livelihood, mainly from farm and paddy field. To sell paddy fields, farm and house, they have to accept lower than market price and to certain buyers only. Women as mother and wife have to look for a new source of livelihood, which is not easy, and yield less income compare to what earn before. Their business is also disturbed once their religious identity known. Impoverishment also especially impact on loss of higher education access for Ahmadiyya daughters, who considered an important figure for the communities.

11. Women lost their rights to build family in a legitimate marriage, meaning a marriage based on her marriage and registered by the state, consistent with Law Number 1 Year of 1974 on marriage:
    1.1 Ahmadiyya women are prohibited to have their marriage registered by Office of Religious Affair (KUA) unless they signed a petition stating exclusion from Ahmadiyya. Consequently they have to register their marriage in other area, revised their identity in the ID card (KTP) and held their marriage in silence. If the community find out about the marriage, the wedding reception attacked by intolerance group and marriage certificate confiscated.
    1.2 Baha'i women reported that official of Civil Registry Office refused to register their marriage on the ground that their religion is forbidden in Indonesia. Consequently, women loss legal protection in their marriage due to it is not registered. Child's/children's birth certificate also stated as child/children outside of marriage' from a woman (husband's name is not stated)
    1.3 For Christian women, a wedding sacrament by church is an important religious ritual. The attack on church when a wedding sacrament was held embarrassed the bride a great deal. She has to hold the wedding sacrament to other church and half of the invitees could not attend.

12. Women from religious minority groups faced with intolerance act were intimidated and violated as other members of the community, Women also have to endure violation because of her gender in the form of sexual abuse and threat of rape.

13. Women of religious minority in refugee camp does not live in a decent living condition, unsafe, and increase their vulnerability against various threat of physical, psychological, and sexual violation. All Ahmadiyya refugees, including women that was placed in Transito refugee camp, West Nusa Tenggara (NTB), for 8 years has been living without ID card. They cannot go home, and received no warrant of security to move to other place, unless they agree to convert.

14. People with disabilities also member of religious communities group, especially women with serious vulnerability when an attack takes place and while on refuge. This vulnerability on women or men with disabilities is yet to catch the attention of all stakeholders.

15. Women participation on perpetrators was a result of, order from leader of the recitation group to refuse the existence of other place of worship for other religion and sect deemed to be 'stray'. Some also convince that refusal of the present of different faith is part of their responsibilities as a mother, care giver and educator of children. Some relate this with social gap, the perception of exclusivity of the religious minority group.

16. The state's treatment on victim is a temporary and partial in its nature even misguided. A number government officials conduct mediation and enlightenment on harmony among religious followers program is use to intimidate and force minority religion group to convert or accepted the intention of intolerance group. Forced of relocation by state's official in national and sub national level does not terminate the problem, more to creating a new problem.
17. State's omission on intolerance conduct without comprehensive solution has caused prolong discrimination and violence on minority religion group, spread to other areas and involved many groups. This situation also means omission on women discrimination and violence multiplying continuously. Omission on violation on freedom of religion is in the direction of severe human rights violation.

Recommendations:

1. The President, as the head of state and government, demonstrates his leadership as a true statesman and immediately and decisively address intolerance issues, among others:
   1.1 Instruct sub national leaders to uphold the law, including executing permanent enforceable court order related to building of GKI Yasmin church and HKBP

Filadelfia. This step can be initiated by a warrant of security to held Christmas prayer in 2014 at each location.

1.2 Instruct sub national leader and Minister of Religious affair to facilitate restoration of place of worship vandalized or sealed, and provide location for worship to minority religion group that has not meet requirement to build place of worship.

1.3 Instruct repatriation of refuge of victim of religious intolerance, with special attention women and children vulnerability in accordance to law on addressing social conflict.

2. President and House of Representatives immediately conduct revision on various laws that limit warrant of freedom of religion and belief.

2.1 To immediately execute Constitution Court to revised the Law Number 1/ PNPS/1965 in the interest to prevent religious intolerance and warrant on unmitigated freedom of religion

2.2 Improved commitment to conduct law and regulation synchronization to be in accordance with the Constitution undertaking and ratified convention, especially related to freedom of religion and belief.

2.3 To formed punishment mechanism to sub national leader who failed to execute court order in building of place of worship.

3. President as head of government instruct corresponding Ministers to:

3.1 Revoke Joint Decision Letter of Minister of Religious Affair, Minister of Interior and State's Prosecutor on Prohibition to Disseminate Ahmadiyya.

3.2 Revised Joint Regulation of Minister of Religious Affairs and Minister of Home Affairs Number 08 an 09 year of 2006 to simplify building of place of worship and put effort to genuinely warrant right to freedom of religion, including not to intervene police duty to warrant security.

3.3 Review and warned Indonesian Ulama Council (MUI) on their role as guardian of religious follower harmony.

3.4 Encourage leadership of various tolerances, democratic and inclusive group in the population to prevent intolerant understanding of religion manifested on brutal and destructive act of violence.

4. State Minister of Women Empowerment and Child Protection (KPPPA), Coordinating Minister of People's Welfare (Menkokesra), Coordinating Minister of Politics, Law and Security (Menkopolhukam) and Minister of Home Affairs (Mendagri) to:

4.1 Conduct comprehensive handling of victim of intolerance and violation of right of freedom of religion, with special attention to vulnerability of women (and children), as instructed in Law on Addressing Social Conflict.

4.2 Ensure victim of intolerance can go back to their hometown with warrant of security and prevention of a recurring violence.

4.3 Execute legal and regulation revision as mentioned in point 2-3.

5. Chief of Police of Republic of Indonesia to instruct his hierarchy to be proactive in conducting their duties to warrant protection from intolerance action towards every citizen. Proactive stance including prevention attack on minority religion group, escalade legal process on perpetrators of intolerance act, ceased victim criminalization, warrant security to refuge who wants to go back to their home land, and punish police officer who failed to conduct his/her duties.

6. Minister of Law and Human Rights (Menhukham) in cooperation with related minister, including State Minister of Women Empowerment and Children Protection, Minister of Health, Minister of National Education:

6.1 Provide information and publication on facts of violation based on women's experience as victim of violence and discrimination.

6.2 Develop victim recovery system

6.3 Develop education on tolerance

7. National Resilience Institute (Lemhanas), Ministry of Higher Education and Research, and other research institution to conduct review on tradition roots and local culture values that support development of tolerant, emphatic and humanly behavior.

8. Political party and element ceased to act to politics religion to collect peoples vote, especially in national election and local election.

9. Religious figure and followers of religion or belief to take advantage of the Religion Followers Harmony Forum (FKUB) as dialog forum in effort to solve various freedom of religion problem, strengthen tolerance relation, and support building of minority religion house of worship.

10. Communities, community figures and educators:

10.1 Improved education of character building and 4 pillars of the Nation (The Five Principles, 1945 Constitution, Unity in Diversity, and the Unitary State of the Republic of Indonesia) to reinforce tolerance values as the nation's social principal.

10.2 Explore tolerant and caring for humanity values in tradition and culture and religious as guidance and alterative stance in the middle of positive misguided, full of political motive legal weaknesses.

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Response from the Victim Community

a. Ahmadiyya Congregation

Presented by Mirajuddin, JAI

Assalamualaikum wr.wb, may peace be upon us

First of all, let us praise the Almighty God for this opportunity in which we could gather to update the progress and hard work of our beloved Mother, Mrs. Shinta who has worked hard for Komnas Perempuan. Let us wish that all her efforts are blessed by God.

We have heard that once the Komnas Perempuan report is completed, it will be used as the basis to attain a better future for Indonesia. We know that heaven lies under the feet of your mother. If our mothers of all races and religions have achieved such objective, Indonesia will be a big and more advanced country.

Unity is an important matter. If we see this building as an example, wood alone will not make a building, window alone would not make a building. Soil, rock and other materials should unite to form a solid building. That is the example of Indonesia when we unite and do not discriminate people against race and religion. This country will be big and respected by the world.

We would like to express our gratitude to Komnas Perempuan, and Mrs. Shinta in particular. I hope we could work together for the best of our nation.
We hereby conclude our response, thank you.

b. Baha'i Community

Presented by Sheila Soraya, National Spiritual Assembly
Good morning, our beloved Mrs. Shinta Nuriyah and Komnas Perempuan,

We would like to express our gratitude to all parties involved in preparing this report. The report is quite perfect because all facts are revealed. I also appreciate the recommendations that were presented earlier.

I hope that the recommendation can be executed and it does not stay just as a note. We hope that the government could make it through. We are all Indonesians, regardless of race, nation and race, we are entitled for justice just like other citizens of Indonesia.

c. GKI Yasmin Congregation

Presented by Jayadi Damanik, Advocacy Team of GKI Yasmin

GKI Yasmin Congregation of Bogor welcomes the initiative of the National Commission on Violence Against Women (Komnas Perempuan) that appoints Mrs. Shinta Nuriyah Abdurrahman Wahid, as the Special Rapporteur on the rights of freedom of religion and belief, whose periodic report is made accountable to public today on Monday, December22, 2014. The report content includes the violation of the rights of freedom and belief to GKI Yasmin Congregation of Bogor. When we examine the report content, particularly the section that describes GKI Yasmin, it is obvious that the Central Government and Bogor Municipality Government are the perpetrators of human right violation. Such violation is an inseparable part of the non-state actors. Therefore, the human right violation experienced by the GKI Yasmin Congregation of Bogor, was not only committed by the state, but also the non-state. It was not only committed separately, but it was also committed jointly. It explains the human right violation experienced by the GKI Yasmin Congregation of Bogor is perceived more complex than the common human right violation, it goes beyond the violation against the right of freedom of religion and belief.

The efforts of GKI Yasmin Congregation of Bogor presented in this report, should be perceived as a collective measure of all parties who hold tightly to the principals of the Republic of Indonesia that is Pancasila, the 1945 constitution, and the unity in diversity principal. On those principals, GKI Yasmin Congregation of Bogor in this opportunity would like to express our gratitude to all parties, including Mrs. Shinta Nuriya Abdurrahman Wahid who has provided some spaces in the report, so the case of GKI Yasmin Bogor is a part of the report. We hope that the report could provide lessons learnt for the government and build awareness that GKI Yasmin Bogor case should be resolved immediately. We believe, that is the spirit that lies beneath this report.

Finally, we thank again Mrs. Shinta Nuriyah Abdurrahman Wahid, who has continuously spared her time, thoughts and efforts to stand by GKI Yasmin Congregation. Finally we thank Mrs. Shinta for her relentless companionship. Thank you.

d. Shia Community, Sampang

Sampang Shia Representative

As a part of public discussion and remembrance of Mother Day, I will respond the report of Mrs. Shinta.

First of all, I would like to express my gratitude to Mrs. Shinta. The report of Mrs. Shinta is very perfect since it truly reflects our situation and represents our hopes. However, how will Mrs. Shinta's recommendation be implemented?

The report presented what we have been through at the moment. What do we want after this presentation is I request those who seat at the front row to not ignore the Sampang case. The case has been going for three years and there is still no clear measure taken to date.

e. Filadelfia Batak Christian Protestant Church (HKBP) Congregation

Responding Madam Shinta's report, we want to inform that there was an inter-faith discussion with the Minister of Home Affairs, Cahyo Kumolo. Is the meeting effective? We have the similar hope as our fellows from GKI Yasmin to be able to celebrate Christmas this year. In the meeting, the Minister Cahyo Kumolo stated that we will celebrate Christmas at our respective church. But, what is the reality? Without being judgmental, the government's statement could not be trusted.

We also would like to confirm that the ideology of religious state should be obliterated from the mind of Indonesia's young generation since it does not correspond to the objective of our founding father. Thank you.

ANNEX 2

Response from the Ministry of Religious Affairs

Presented by Prof. Dr. Mahasim, M.A., Director General for Guidance for Islamic Community
Assalamu Alaikum Wr. Wb.

Good morning and May peace be upon us. Thank you to Mr. Shinta Nuriyah Wahid and Komnas Perempuan for the presence. I am delighted to attend this event.
There are several issues that I want to respond with regards to government's roles and recommendation. Some matters that I want to comment on are our joint regulation, religious affairs office (KUA) that discriminates when it comes to marriage registration and the inter-faith harmony forum (FKUB).

1. On the joint regulation between Minister of Religious Affairs and Minister of Home Affairs. There is no issue from the regulation side. The issue lies on its implementation in the field. The joint regulation contains the role and responsibility of Governor and Head of District in conducting and establishing FKUB. Establishment of this inter-faith house is part of the joint regulation. I also want to remind that the joint regulation is not a product of two ministries, but a product of the national scholar councils which was later signed by two ministers. Mrs. Maria as the constitutional judge also formulated the regulation. From the regulation drafting perspective, it has gone through some stages. However, there are two notes:

    1.1. The question and answer or explanation part is not published by the Minister of Home Affairs, thus the question and answer that contains explanation is not commonly known by the public. For instance the recommendation on the government obligation to provide worship house, this point has been included in the joint regulation. It is stated in the joint regulation that if it cannot be provided at the village level, it should be provided at the sub-district level. If it cannot be provided at the sub-district level, then it should be provided at the district level. If it cannot be provided at the district level, then the Local Government is obliged to facilitate a worship house for the religious group in that area. But this point is frequently considered absence either by Local Government or the intolerant groups.

    1.2. Joint regulation is a ministerial regulation, thus it is very loose and does not mandate compliance from the Governor of Head of District. There is a recommendation to upgrade the joint regulation into Government Regulation or Law. However, since we have limited time and the change in government structure, we have not facilitated it and now the issues have revolved. In the previous congress, the Minister of Religious Affairs stated five issues, among others:

1. Position of religious community who are not part of the six official religions and they have been served by the government. Sometimes people perceive that religion and faith outside the six official religions are not acknowledged. In fact, there is no laws that states the acknowledged and non-acknowledged religion. The acknowledged religions are stated in the Law on Citizens Administrative and the Law No. 1/PNPS/65, but those laws do not state the acknowledged and non-acknowledged religion, instead they state the religions that are majority chosen by Indonesians and there are six main religions chosen by the majority of Indonesians. There is an intention to improve the status of other religions, apart from the current six.

2. On worship house. Actually the conflicts mostly arise between Islam and Christian. People do not distinguish between Worship House and Worship Place. Worship House is the place with certain signs where people gather to perform their prayers. Meanwhile, the Worship Place could take place anywhere, it can be a house, work venue and it does not have to have certain signs like worship house. It becomes an issue since in Islam, people build worship place bigger than worship house. In Islam, one worship house can be used by many Islam groups, while for Christians, each group has its own worship place. This issue needs to be resolved in a regulation that binds.

3. There are extreme movements that threaten the tolerance. It usually related to the sermon delivery. For instance the media that reports baptism activity in car free day, which is an exaggeration, or the obligation to wear certain clothes, which is excessive and needs to be regulated.

4. Religious-based violence that targets the weak group, such as women. It cannot happen any longer, where weak people are harassed, such action has no religious base and it is solely based on emotion.

5. There is a different interpretation of religious community that is distinct from the existing interpretation. Is it a part of blasphemy? For example on Ahmadiyya regarding the last prophet. Interpretation of *khatam*, in which Sunni perceives him as the last prophet, while Ahmadiyya perceives him as the most handsome Prophet. Such difference is caused by different interpretation. Politics and economy also play along. Just like people have different views on how religion should be delivered (*da'wah*). Measures have been taken to resolve the violence issue. It might not be a problem for those whose case handling is delayed, yet it might not be the case for the victims.

6. With regard to Baha'i case, Mr Johan sent me a letter stating Baha'I has right to exist in Indonesia. On the basis of the letter and request from Baha'i, the General Secretary drafted the Ministry of Home Affairs letter and request a letter to the Minister, however their right as the citizens could not be fulfilled since the legal standing for such issue has not been promulgated. The case is different when it comes to the six religions that

have its regulation basis, but not for other religions. Hopefully, the current law that is being drafted by the Ministry of Religious Affairs could resolve the problems.

2. KUA issue that rejects the registry of Ahmadiyya marriage. The basis of such rejection is not exist. KUA issue related to local government policy. I, as the person in charge for all KUA across Indonesia, have never seen such restriction. The Ministry of Home Affairs does not restrict the issuance of marriage certificate. The issue relates to fatwa issued by the Indonesia Ulama Council (MUI) that Ahmadiyya is misguided that caused the marriage registration was not issued. Actually, there is no state regulation that restricts the marriage registration.
3. Interfaith Harmony Forum (FKUB) has been established in 33 provinces, and it also exists in 60% districts and municipalities. However, the action depends on the head of each region. The head of region who concern on this issue, will run FKUB well, but for those who do not have concern on this issue, it can be a problem or used it as a political tool.

Additional note from me: we are still close to inhumanity. US that has been running democracy since long time ago still experience racial case, like shooting of black people. If we compare our country that just had independence 69 years ago to US, we still have more progress, although the actions occurred in the country should not be justified. We know there is a violence theology within Islam theology, but it was formulated under war circumstance. Thus, violence was hard to avoid during that period. Such theology was developed by men, who were smart but with less sensitivity to the people who might lose their rights. Men who were in power have less sensitivity. I conclude my response, thank you.

Response from Special Rapporteur

1. I feel the cool breeze hearing your response, but the intolerant people keep igniting the fires by presenting their views which are against the government views, local government policies. The speech containing hates and provocation still occur in our society. This action is the motor for intolerance, violence, and violation against constitutional right of religious freedom. I request a policy from the Ministry of Religious Affairs to ease those actions, so the fire is not ignited and leave every party in peace.
2. I want to question on the relation between Ministry of Religious Affairs, Ministry of Home Affairs and local government. To resolve the religious minority issue, the three institutions keep passing the bucks. What is actually happening and why the three institutions keep passing the bucks, which instead of resolving the issue, turns out creating another issue?

Prof. Mahasin

We received your questions and we strive to find out, particularly the second question of Mrs. Shinta on what is actually happening. We cannot answer the question right now, but we try to resolve the issue in the near future. The Minister of Religious Affairs currently has a big concern over this issue.

Response from the Ministry of Law and Human Rights

Presented by Mr. Dr. Mualimin Abdi, S.H, MH, Head of Human Rights Research and Development Agency of the Ministry of Law and Human Rights
(*this response was drafted by the Human Rights Research and Development Agency Tim and the Directorate General of Human Rights*)

With regard to the letter submitted by the National Commission on Anti-Violence against Women (Komnas Perempuan) to the Ministry of Law and Human Right regarding the invitation to attend the launching and discussion on "Special Rapporteur Report of Komnas Perempuan on Violence and Discrimination against Women in the context of Constitutional Right Violation against Freedom of Religion" and at the same time, to commemorate the Mother's day on December 22, 2014, followings are our responses:

1. Responding to the intensity of religious intolerance, on the late 2012, Komnas Perempuan established a Special Rapporteur team on Violence and Discrimination against Women in the context of Constitutional Right Violation against Freedom of Religion, who refers to Mrs, Shinta Nuriyah. She is known as a diversity and women activist and is willing to be the Special Rapporteur.

2. Establishment of the Special Rapporteur team was driven by a series of violence actions on behalf of religion affecting the religious minority. Attack on Ahmadiyya Congregation caused a massive migration in Transito in 2005, which culminated in Cikeusik Tragedy on February 6, 2011. Some sealing acts and intimidations also affected the religious minority in constructing their worship house, particularly church and temple, and also mosque; among other: the violence to the head and members of HKBP Cikueting Congregation, HKBP Filadelfia and GKI Yasmin. The acts of violence hit the Shi'a and Baha'i community. Various reports on these issues have been issued, at the national and international levels. However, the response for immediate and substantive action from the state remains absence.

3. In the Special Rapporteur report, Chapter IV on Conclusion and Recommendation, particularly point 9 (page 102) that addressed the Minister of Law and Human Rights, the report states that "the Minister of Law and Human Rights coordinates with other relevant ministries, among others: the Ministry of Women's Empowerment and Child Protection, the Ministry of Social Affairs, the Ministry of Health and the Ministry of National Education to:

a. Provide information and publication space based on violation facts referring to the experiences of violence and discrimination victims
b. Develop a recovery program for the victims
c. Develop the tolerance education curriculum

4. Based on the above points, the response to the recommendation are:
   a. With regards to roles and functions of the Ministry of Law and Human Rights, based on the Minister of Law and Human Right Regulation No. M.HH-05.OT.01.01 of 2010 on Organization and Management of the Ministry of Law and Human Rights, the roles and functions of Echelon 1 who is in charge for human right issue is the Directorate General of Human Rights and the Human Right Research and Development Agency.
   b. With regards to "Provide information and publication space based on violation facts referring to the experiences of violence and discrimination victims":

Response:

There is a need for a joint research and review on the facts related to violation against women, in which women is perceived as the violence and discrimination victim in the context of religious freedom. The result of joint research or review could be presented as a policy memo/brief. With regard to religious freedom issue, Directorate of Communication Service (Yankomnas), one of the units under the Directorate General of Human Right has conducted:

a. Meeting and FGD on the right of religious freedom for Baha'i, Shia and Sunda Wiwitan;
b. Coordination and consultation regarding GKI Yasmin Church and Ahmadiyya issues; and
c. Development and issuance of Public Communication Service which contains human right handling including the right of religious freedom

Furthermore, the Ministry of Law and Human Rights through Directorate of Information (one of the units under the Directorate General of Human Rights) has roles and functions to provide mentoring, supervision and service regarding human rights issue. The Directorate could provide information and publication on violence facts based on the experience of women as the violence and discrimination victims and follow them up by providing protection and fulfill their women rights, under coordination with the Ministry of Women's Empowerment and Child Protection.

c. With regard to "Develop a recovery program for the victims":

Response:

The Ministry of Law and Human Rights does not have specific authority to provide recovery program for the victims of religious freedom right violation. This matter is perceived as an opportunity and challenge for the Ministry of Law and Human Right in developing a recovery program, through a unit under the Ministry of Law and Human Rights who is in charge for human rights research and development in collaboration with Directorate General of Law and Human Rights to develop the module and recovery mechanism for the victims of religious and human right violence, as well as empower the National Action Plan on Human Rights (RANHAM) committee and Integrated Services Centre for the Empowerment of Women and Children (P2TP2A).
The Ministry of Law and Human Rights has issued:

a. Joint regulation between the Minister of Law and Human Rights of the Republic of Indonesia and the Minister of Home Affairs of the Republic of Indonesia No. 20 of 2013 and No. 77 of 2013 on human rights parameters in the drafting of local regulation products. We hope that the local regulation products contain human right values including the freedom of religion and worship.
b. Minister of Law and Human Rights Regulation No. 11 of 2013 on the Criteria of Human Rights Care District/Municipality that aims at motivating District/Municipality Government to respect, protect and fulfill the human right.
d. With regard to "Develop the tolerance education curriculum":

Response:
Technically this matter falls under the Ministry of Primary and Secondary Education and Culture. The Ministry of Law and Human Rights will contribute on the substance regarding law and human rights.

In addition, the Ministry of Law and Human Rights, through the Directorate of Human Right Strengthening and Directorate of Human Rights Dissemination of Directorate General of Human Rights has conducted training, dissemination and education on human rights to Religious Figure, Community Figure, State Apparatus and Law Enforcement Apparatus on religious tolerance. However, the human rights education has not specifically discussed women protection.

Other Recommendations, with regard to Harmonizing Legislations.

a. Recommendation 1 (of the report) states that: President and the House of Representative of the Republic of Indonesia amend all the regulations that limit the freedom of religion and belief immediately, one of the recommendations is: "(1) execute the Constitutional Court Decree to amend the Law No.1/PNPS/1965 immediately to prevent religious intolerant actions and ensure the true religious freedom".

Response:

From our perspective, the Constitutional Court Decree No.140/PUU-VII/2009 on the proposal of judicial review of the Law No.1/PNPS/1965 on Prevention of Religious Abuse/Blasphemy against the 1945 Constitution. The Supreme Court Decision rejected the whole proposal.

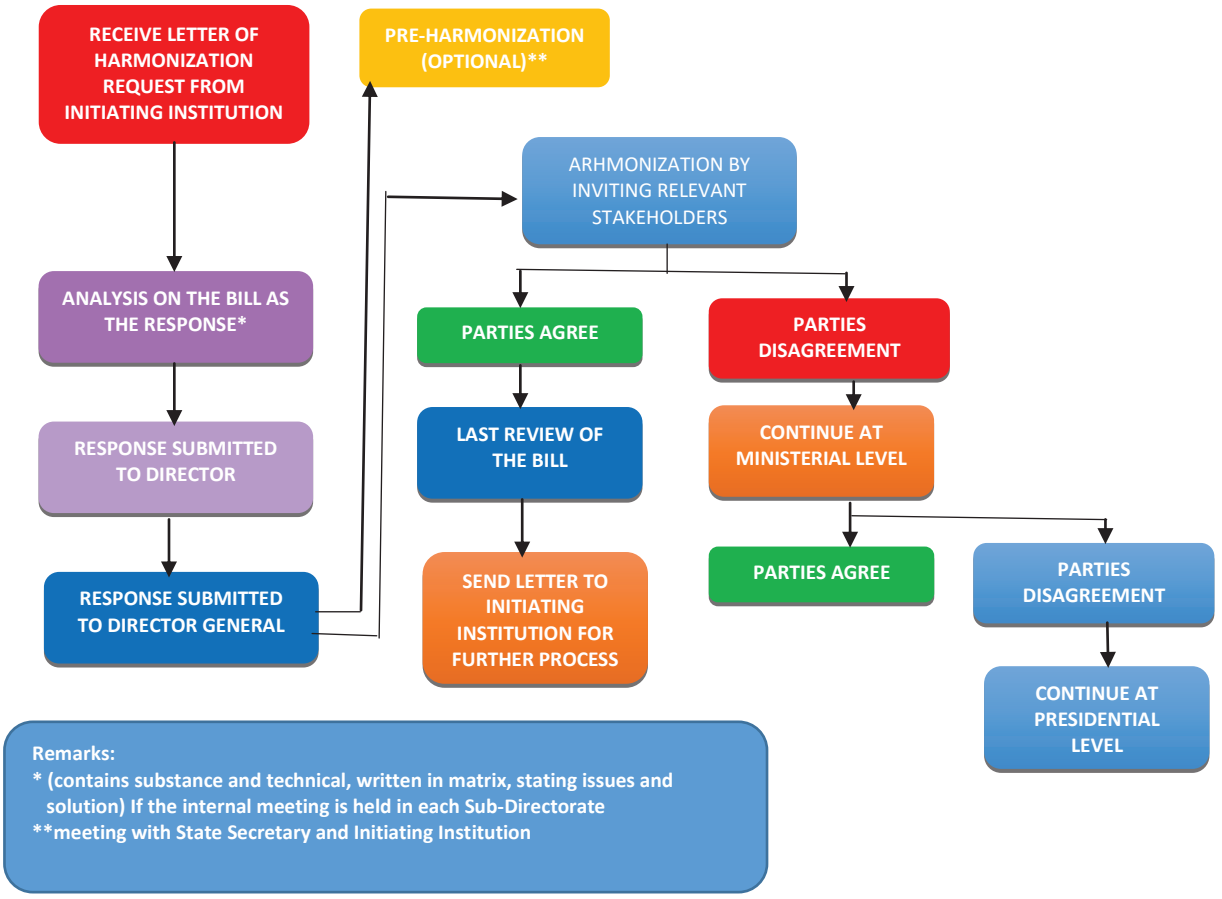
Supreme Court perceived that the pleader's propositions were not reasonable based on the material and formal tests. The Court also expressed the State concern to draft a Law on Blasphemy Prevention as the State responsibility to protect human rights pursuant to the Law State principals.

In principal, the Ministry of Law and Human Rights supports the Supreme Court Decision since the decision is final and binding. With regard to the Law on Religious Blasphemy Prevention, a more detail research is needed by involving relevant parties on whether there is an urgency to draft a new law on blasphemy to substitute the Law No 1/PNPS/1965.

b. Recommendation 2.2 (of the report) states that: To increase commitment to harmonize the laws and policies, thus the laws and policies correspond to the promises in constitution and ratified covenant, particularly on the points that relate to freedom of religion and belief.

Response:

Ministry of Law and Human Rights has a working unit who carries out the function to harmonize the regulation. The unit is Directorate of Harmonization that belongs to the Directorate General of Legislation.



5. Follow-up regarding the recommendation on the Report of Komnas Perempuan's Special Rapporteur
   - Violence protection and rights fulfillment of women victims in the context of religious freedom could be done by empowering the National Action Plan Committee on Human Rights (Ranham) at the sub-national level as well as providing legal and human right service in the Law and Human Right Offices at the sub-national level in all regions. Specific action plan on religious tolerance should be proliferated by conducting dissemination on freedom of religion and belief, training on conflict resolution to the community figures, religious figures, law enforcement apparatus and relevant institution, as well as enhancing the roles of the Interfaith Harmony Forum (FKUB) through FKUB meeting with relevant institutions;
   - Optimize the roles of *Mahkumjapol* (Supreme Court, Ministry of Law and Human Rights, Attorney General, and State Police of the Republic of Indonesia) to meet the objectives of the Joint Decision of Supreme Court, Minister of Law and Human Rights, Attorney General, and the Head of State Police of the Republic of Indonesia on Synchronization

of Criminal Justice Governance System to achieve a fair law enforcement. Fair law enforcement refers to an integrated criminal justice governance system by prioritizing protection of human rights and fulfillment of fairness principal. Thus, law enforcement apparatus and government, particularly at sub-national level need to work harder in handling and assuring the freedom to reduce the violence potentials against religious freedom. Crimes on behalf of religion should not be allowed or punished mildly because it will lessen the roles of law and human right enforcement, lead to a negative image of government.

- Community Communication Service of RANHAM could be an alternative in handling the human right issue that covers all Provinces, Districts/Municipalities in Indonesia. RANHAM committee could eliminate the stigma that lead to discriminative and intolerant treatment to the religious and belief minority group.
- RANHAM Committee at the national and sub-national level, to accelerate the Community Communication Service (Yankomnas RANHAM) in handling the human right case, and also disseminate the human right education to whole Ministries/Institution, Province, District/Municipality based on each jurisdiction.

Response from the Ministry of Women's Empowerment and Child Protection

Presented by Mrs. Nimas Aliya, Deputy of Women Protection

Assalamu Alaikum Wr. Wb, and May peace be upon us. The honorable Mrs. Shinta Nuriyah. The honorable head of Komnas Perempuan and the staffs. The honorable Ladies and Gentlemen who have presented their responses and ladies/gentlemen the forum participants that I cannot address one by one.

First of all, I want to convey the apology of the Minister of Women's Empowerment and Child Protection, Prof. Yohanna Yambise. The Minister and her deputies could not attend the event today because they are with the president commemorating the 86th Mother's Day in 2014 by conducting social service activity in Ciracas Sport Center (GOR), Jakarta. As the representative of the Ministry of Women's Empowerment and Child Protection, I will present the views on violence and discrimination of religious freedom that affects women.

I want to say Happy Mother's Day for all the mothers in this room and in Indonesia. Let us celebrate it by committing more seriously to protect women and children from all types of violence either at home, public space, or by State. We will not forget to acknowledge Komnas Perempuan who have held this event and to Mrs. Shinta Nuriyah who has presented the report on violence and discrimination against women and children.

Ministry of Women's Empowerment and Child Protection does not tolerate violence in any form. As we all know, women's position and role today is different than their position and roles 50 years ago. Development of technology and removal of partitions between man and woman have endorsed many feminism movements. To response the issues on gender equality, particularly in this open era, legal component formation becomes important to accommodate women's interests. Currently, the number of women sitting in the government is still lower than the men. Thus, many policies do not reflect women's aspiration. Based on this fact, legislation process that has concern on women's rights needs to be intensified, therefore gender conflict can be avoided in the future. This measure needs to be taken to avoid any social disadvantage to women and to ensure that women's rights are equal to men. There need to be specific changes within the government.

Ministry of Women's Empowerment and Child Protection has launched the policy on women and children protection under the Presidential Regulation No. 18/2014 on protection,

empowerment of women and children under social conflict circumstance. We have heard from the previous responses that the violence occurs under social conflict circumstance. The conflicts presented by Mrs. Shinta Nuriyah occurred under social conflict situation caused by religion, land conflict and etc. Such condition tends to cause violence and put women and children under vulnerable situation to violence including sexual violence. The weak protection to women and children under such circumstance urges Ministry of Women's Empowerment and Child Protection to issue the Presidential Regulation No. 18/2014. The regulation aims to protect, respect and ensure women's and children's rights in conflict resolution. This issue is addressed in Article 2 which states that protection, empowerment for women and children in conflict circumstance are conducted by:

1. Relevant Ministries, according to their respective authority, as presented earlier by the Ministry of Law and Human Rights, which was later translated into the National Action Plan on Women and Children in conflict situation.
2. Local Government should carry out preventive action to protect women and children from conflict situation or occurrence. The preventive actions are carried out by:
    a. Strengthening the functions of the Integrated Services Centre for the Empowerment of Women and Children (P2TP2A) to provide protection to women and children in conflict situation. Currently the Integrated Services Centre for the Empowerment of Women and Children is established in 33 provinces and 347 districts.
    b. Conducting training on prevention of women and children violence in conflict situation
    c. Facilitating additional public space or green open space for women and children to prevent them from violence and defend human women rights.

Special service for children in conflict situation covers: child care service, playground that meets safety and health standards as well as recreational room. Through this Presidential Regulation, the Ministry of Women's Empowerment and Child Protection works closely with the relevant institutions and local government to empower women and children in conflict situation. Women empowerment in conflict circumstance covers life security improvement, economic activity, and women's participation as peace maker and negotiators.

Article 15 of the Presidential Regulation states life security improvement which refers to assistance and counseling to strengthen the women mentally and spiritually. Meanwhile, children empowerment in conflict situation covers build children understanding to not commit violence through peace and gender equality education.

To implement the Presidential Regulation No. 18/2014, there is the Coordinating Minister of People Welfare Regulation No.7/2014 on the national action plan for protection and

empowerment of women and children in conflict situation (P3APK). The national action plan will start its implementation in 2014 and be terminated by 2019. It covers prevention, management, empowerment and participation. It is a form of women and children empowerment in conflict situation.

Thank you

ANNEX 5

Response from the Ministry of Social Affairs

Presented by Dr. Sonny Manalu, Director of Social Rehabilitation

Good day. The honorable Mrs. Shinta Nuriyah. The honorable ladies and gentlemen, the presenters, the observers and the important participants.

First of all, allow us to apologize to Mrs. Shinta Nuriyah because we just received the invitation disposition half an hour prior to enter this room, so we have not made a written response regarding this case.

On behalf of the Ministry of Social Affairs and myself, I was often asked on how to handle the religious-based violence. I think it can be complicated if we perceive the case is complicated and it can be simple if we perceive the case is simple. As an activist, I think the case is easy, because in 1992 I moved to Jakarta with my wife and we rented a place in an alley close to a mosque. My wife asked me why do we have to stay an alley that is close to a mosque? if we live in an alley close to a church, it is easier for us to go to the church. I responded her that to live surrounded by differences is good. To date, I still live close to a mosque. Live in differences is beautiful, the question lies on whether we step on the same foundation. Do we want to embrace the differences? That is my personal view, difference is beautiful. I feel furious when people perceive that difference is a complicated matter.

Ministry of Social Affairs in 1948 has launched the Social Solidarity Day. If the spirit could be preserved, the conflict could be handled easily. Ministry of Religious Affairs and Ministry of Law and Human Rights are the main actors in resolving the conflict, and if we incorporate the thought from Ministry of Social Affairs, there can be a push for anti-discrimination. The Law No. 11 of 2009 on Social Welfare ordered the government to carry out social rehabilitation, provide social service without discrimination. It is not necessary to have a program that lead to society's discrimination.

Therefore, the Ministry of Social Affairs facilitates, endorses youth organization and social workers with the spirit of unity in diversity at the village level. If the social solidarity concept is also adopted in religious relation, the religious-based violence could be eliminated.
Ministry of Social Affairs welcomes this event, we will tell our Minister, Mrs. Indar Khofifah to support the recommendation of Mrs. Shinta.
That is our closing remarks, thank you.

Response from the National Commission on Human Rights (*Komnas HAM*)
Presented by Imdadun Rahmat, Commissioner

Assalamu Alaikum Wr. Wb.

Happy Mother's Day to Mrs. Shinta and Komnas Perempuan who has produced this report. I appreciate this report, it must not be an easy task to fulfill. Thank you to Mrs. Shinta who has committed to nurture Indonesia.

There are some notes that I want to present. The facts from Mrs. Shinta are similar to the report of the National Commission on Human Rights, however this report focuses more on women victims.

1. Those facts refer to violated rights, impacts of human rights violation on victims, non-state actor and state actor. Violation by omission and by commission. These findings are verified by the monitoring and findings of the Special Rapporteur of Komnas Perempuan.
2. Issue analysis regarding its causality. It is true that the conflict is triggered by the intolerant group who spread hate speech, weak law enforcement and regulation that does correspond to human rights related to religious freedom.
3. There are many similar recommendations that Mrs. Shinta presented with our recommendations that we presented last year in Human Right Court 2013. There has been a deviation regarding the actors of religious freedom violation. The actors were the state actors such as the Coordinating Board for State Stability Assistance (Bakortanas) and Coordinating Board for Police. The current actors are semi-society organization or the groups that turn up quickly to conduct violent actions, and the state does not take any necessary measure due to political pressure and mass pressure. Increasing religious intolerance corresponds to the existence of intolerant society organization such as the Islamic Defender Front (FPI). The existence of Islamic Defender Front will be followed by a red zone area of violent action on behalf of religion. Thus, society organization is an important factor to address. There is the so-called majority syndrome. Intolerance action leads to victims, which is not only the Christians, but also the Moslems. The issue is around majority and minority. It is also about revenge, the minority should be prepared to be the victims.
4. Security guard does not prevent the action immediately or the amount of guards is insufficient. Therefore, crime by omission happens frequently in the forms of omission due to insufficient number of security guard, low performance of the intelligent unit and etc.

5. Weak law enforcement, impunity and criminalization of victims. So the case is manipulated in which the victim becomes the violence actor or criminalization to the victims.
6. The action is manipulated to only target individuals and field actors and does not target the main actor behind the action. Individual legal approach is the cause of this issue. Thus, the case lost its systemic pattern.
7. Intolerance permissiveness. Intolerance is perceived as a non-serious matter, so the society organization like the Islamic Defender Front is befriended by the political elites, provided with social aid and obtained continuous support.
8. State favoritism. Our state elites obviously show their support to certain groups who have clearly committed intolerant actions.
9. Case resolution is weak. There is a hesitation to take firm actions.
10. State apparatus does not resolve the issue correctly, so miss-coordination occurs and the national and local government keeps passing the bucks.
11. We certainly do not want more tears from a President, like we saw in the past. What we need right now is the performance of the President of the Republic of Indonesia.
12. Finally, I pass the recommendations issued by Komnas Perempuan on harmonization of legislation and Qanun in Aceh. National Commission on Human Rights has sent letter to the Ministry of Home Affairs to take further measure on Qanun Aceh, Joint Ministerial Regulation on worship house, and other aspects. Thank you.

Response from Indonesian Child Protection Commission

Presented by Maria Advianti, Commissioner

Good day, First of all, I would like to express my gratitude to Komnas Perempuan and Mrs. Shinta Nuriyah as the Special Rapporteur of Komnas Perempuan and all participants. In this opportunity, Indonesian Child Protection Commission is requested to provide feedbacks on the report of Mrs. Shinta Nuriyah. First of all, we highly appreciate the report because it has opened people's eyes. It is an important milestone in improving protection for women and children victims. Allow me to state some points:

Religious right is stated in the 1945 Constitution and the Law No. 35 of 2014 on the Amendment of the Law No. 23 of 2002 on Child Protection, article 6 states:
"Each child is entitled to perform worship following his/her religion, think and express based on his/her intelligence level and age under the supervision of his/her Parents or Guardian"

The non-discrimination principal is later elaborated in Article 21 as follow:
"State, Government and Local Government is obliged and responsible to respect the fulfillment of child right without discrimination against tribe, religion, race, group, gender, ethnicity, culture, language, legal status, birth order and physical/mental condition".

Assurance of religious right fulfillment during child's development is regulated in detail in Article 33, 38A, 43 and 65. Children are ensured to have similar religion as the parents or guardian, protected from adoption of parents with different religion that might violate children's right to freedom of religion and belief. Children are also assured to obtain religious understanding and lesson on how to perform worship since their early age, the objective is the children could exercise the right of religious freedom holistically, sustainably, comfortably and free from any pressure or force.

It is crucial, as what we have heard from Mrs. Shinta that the children's religious freedom highly depends on their parents in exercising such right. When parents or guardian are treated with religious intolerant action, it will obviously affect the child. To let a child understands that his/her religion teaches positive values to person, parents, school, neighborhood and state, the child needs to learn the examples of religious practices from his/her closest circle such as parents, family, school, and neighborhood. Therefore, fulfillment of religious right to children is closely related to religious freedom practiced by parents or guardian.

Under a peaceful situation, children will easily understand and form an understanding based on their daily religious practices. However under conflict situation, full pressure and condition in which children is vulnerable to physical and psychological violence, they will have difficulties in connecting the positive values of their religion contextually and the actual situation they experienced. The monitoring report of Indonesian Child Protection Commission in some conflict areas triggered by religion reveals that children do not deal with discrimination and violence easily in conflict situation. Being bullied, expulsion from school, isolated from friends, confusion in finding their identity and etc. It is exacerbated when they are refugees, violence and discrimination affect the children worse, while they do not understand the issue that they encounter.

In this opportunity, Indonesian Child Protection Commission highly appreciates the Special Rapporteur of Komnas Perempuan, Mrs. Shinta Nuriyah, and the report on Violence and Discrimination against Women in the Context of Constitutional Religious Freedom Violation. The report describes the conflict situation that affects women as the victims of violence and discrimination on behalf of religion. It also describes the direct and indirect impacts to children development and their perspective of religious life which is full of conflicts based on their experience.

Religious tolerance practices are exist but we observe that it is similar to compare an arithmetic sequence to the geometric sequence. There are two kinds of intolerance: intolerance to other religion and intolerance within religion. If we read the joint Ministerial Decision, it seems that the State legitimates intolerance, but if we see it in wider context, particularly on the state framework to fulfill religious right of community, then the case is different. We hope that we have regulation that covers religious solidarity which is rooted from the experiences of women and children victims.

Initially, intolerance does not frequently occur in religious life. Religious difference in community in certain area could be resolved using local wisdom that exists in each area. We identify that tolerance practices occur in religious holy days, such as Christians who send their Ied greetings to Moslems, Gong Xi Fa Chai event that is celebrated massively and broadcasted in national TV, conducive Christmas celebration because the security is assisted by society organization of other religions, and etc. Inter-religion tolerance value is continuously built, but the growth is similar to comparing arithmetic sequence to geometric sequence. The need to have worship place remains high, meanwhile the work to build tolerance happens gradually. However, not all people could enjoy the privilege, including the women and children who are the intolerance action victims as presented by the Special Rapporteur of Komnas Perempuan.

Women and children are the most vulnerable groups in conflict situation, regardless the conflict trigger (economy, politics, social), in this case the trigger is religion. Under peaceful and conflict situation, the roles of government remain the same, to regulate the worship place in ensuring religious freedom of each citizen, and to build tolerance among religious groups. Therefore, the joint ministerial decision that is perceived as the source of conflict expansion or intolerance needs to be revised. Existence of policy that regulates religious solidarity is crucial, but the policy needs to reflect on the facts and experiences of women and children victims. Therefore, a better policy can be produced, the one with equality perspective and prioritization to protect women and children victims. If there is a Buddhist student in an Islamic School, the school should provide a religion teacher who has the same religion as the Buddhist student. If there is a Moslem student in Christian school, the school must have prayer room (*musholla*). In reality, there are some education providers who ignore those provisions. For instance, a school in Blitar and Jakarta do not fulfill the right to learn religion subject of its minority students and the reason is the religion subject taught in the school is based on majority religion. The role of Inter-Faith Harmony Forum (FKUB) could be utilized, such as: to mediate and bridge over different of interests of each party, instead of justifying which religion could and could not build their worship house.

In responding the case of Ahmadiyya children who moved to Transito Mataram, Indonesian Child Protection Commission with Komnas Perempuan approached the Provincial Government of West Nusa Tenggara by conducting dialogue and information dissemination on the importance of fulfilling the children's rights, namely education right, health right and birth certificate. For Cikeusik Case, Indonesian Child Protection Commission encouraged the education office to issue School Transfer Letter for Ahmadiyya children who were not accepted in their place of origin. Local government response was quite well by facilitating access to fulfill the rights of Ahmadiyya children in Transito. The good response was also shown by the Education Office who issued the school transfer letter to Ahmadiyya children in Cikeusik.

Intolerance also occurs within a religion and affects sect/group who is considered different within the religion. Ahmdiyah and Shia cases were mostly caused by intolerance among Moslems. Perception on a misguided sect or group, which means that any different worship practice is not acceptable, need to be corrected jointly since the impact seems to show that the state legitimate someone to be treated inhumanely. The roles of religious figure and community figure are very crucial in building tolerance among religious groups. Religious values need to be presented to develop social and humanity values. Government plays the role to facilitate and encourage dissemination of information on tolerance and provide space for inter-faith dialogue, thus religious practices are not only practiced in worship house, but also in society. Education on tolerance should be started as early as possible to the children, it could be started from family, school and neighborhood to create a tolerant young generation who could proliferate the messages to their friends in their neighborhood.

By respecting religious freedom and understanding worship in wider context, religious sermon still could be done using peaceful approach and blessing to all parties.

That is the remark of Indonesian Child Protection Commission as one of national human right institutions. Our hope in this Mother's Day is no more violence and discrimination to women and children of minority religion, and the victims could be rehabilitated immediately for the best interest of women and children.

Response from the National Commission on Anti-Violence against Women
Presented by Masruchah, Deputy of Komnas Perempuan

Our gratitude for God's mercy

The honorable Special Rapporteur of Religious Freedom, Representatives of relevant ministries, Representatives of Religious Community, Victims, Victims' families, Representatives of Society Organizations, Ladies/Gentlemen

1. First of all, Komnas Perempuan expresses its gratitude to Special Rapporteur of Religious/Belief Freedom, Mrs. Shinta Nuriyah Abdurrahman Wahid who, at the end of this year, has drafted a report dedicated for a better women life in terms of assurance of religious freedom right in Indonesia and protection from violence and discrimination.
2. Komnas Perempuan also expresses its gratitude to all parties, who could not be mentioned one by one in this report, who have supported this monitoring, so we succeeded in presenting data, information and knowledge to the public on violence and discrimination experienced by women due to the religion they chose. Resource person from congregation, victims, victims' family, religious figure and community members have provided information comprehensively to the Special Rapporteur of Religious/Belief Freedom on the event they experienced, impact they felt and hope for change they wish for.
3. Komnas Perempuan through its mandate intends to create a conducive situation for fulfillment of women's human rights in Indonesia, build a serious commitment to reveal facts on women's vulnerability to violence and discrimination when they become a part of religious minority group and live in intolerant neighborhood. In 2012, through Commissioner Plenary Decision, a Special Rapporteur of Religious/Belief Freedom was established with the following tasks:

   (1) To monitor and report violence and discrimination against women in the context of institutional right violation regarding freedom of religion/belief, based on women's experience and active involvement of victim's families.

   (2) To develop advocacy strategy by coordinating with civil society organizations who advocate this issue

   (3) To provide recommendation in developing a recovery system for women who are the victims of violence and discrimination in the context of institutional right violation regarding freedom of religion/belief

4. The two year process since 2012 in which Komnas Perempuan with Special Rapporteur recorded various incidents experienced by the women is a short timeframe compared

to the whole violence and discrimination incidents, including the impacts bore by women whose rights of religious/belief protection and assurance have been violated and eliminated. Komnas Perempuan and Special Rapporteur try to provide pictures on how women dealt with the situations when they were attacked and intimidated that lead to physical, psychological, sexual and economic violations.

5. Limited access to the whole areas of Indonesia that caused some incidents were not recorded and unreported is a special note to consider in this report. Hopefully, all series of data and facts could be represented by the events and facts described in this report. We hope that the report could be utilized by the authorities for policy improvement, provision of security, and assurance of religious freedom to the whole women victims whose rights have been violated.

6. Komnas Perempuan noted that religious freedom violation and intolerance against the women of minority religions have disrespected their dignities (as wife, mother, congregation member and children). Any violence conduct in intolerance context causes women to feel insecure; forced to be the main source of family livelihood and/or single parent; having difficulties in accessing health insurance, particularly on reproductive health; does not have equal rights and stance before the law and government; stigmatization as immoral women and lost their legal protection since their marriages are considered illegal; anxiety of future education and safety of their children, disrupted family connection and social connection; loss of family members, threats of sexual violence are the types of incident that we recorded in this report. Those are the portraits of women's of minority religions' struggle that we perceive as the state's problem that needs to be resolved.

7. In this report, Komnas Perempuan appreciates the women victims, who have shown their pro-active attitude to rearrange their life and continue their family life amid the problem they encounter. They support each other when they become the main source of family livelihood. Their education to their children on how to react in emergency situation by persuading their children who have hatred towards other community and state apparatus and their initiative to hold meetings with inter-faith community. The tolerance and togetherness can be rebuilt are their efforts that we need to appreciate. These measures are taken by GKI Yasmin congregation and HKBP Filadelfia who are currently still striving on enforcing the law, respecting the constitutional rights and diversity through biweekly worship in front of the Presidential Palace.

8. Through the Special Rapporteur's recommendation, Komnas Perempuan endorses state leaders, particularly the President of the Republic of Indonesia, Local Government, the People's Consultative Assembly, the House of Representatives, law enforcement officers, political party and political elements, religious figures, and citizens who belong

to any religion to be able to follow up all the recommendations to provide space for a fairer justice and life for those who become victims and are victimized due to their faith, as an inseparable measure to eradicate all types of violence and discrimination against women.

With regards,
Komnas Perempuan.

ANNEX 9

Response from Ombudsman of the Republic of Indonesia

Presented by Budi Santoso, Commissioner of Ombudsman in Complaints Resolution Division
Good day,

Within the last three years, we have been conducting evaluation based on community report on potential issues leading to violence and discrimination, in which no follow-up nor solution have been done.

Right of belief and religion have been violated by a number of regulations and public policies which are conflicting with the Constitution. We have seen Local Regulation, Governor Regulation, Mayor Regulation, Head of District Regulation that conflict against religious freedom. These regulations should have been revoked and nulled by the government at the moment. The violence actors appear to have approval by the local regulation.

Pursuant to the mandate of Law, we are doing our roles to ensure that the service to citizens who experience discrimination is delivered. Rights of education, administrative service and others are delivered fairly. That is the reason of establishment of Ombudsman in 33 provinces. In our consideration, there should be a strong political will of Jokowi-JK government. The violence occurs due to interpretation at sub-national level. Therefore, revocation of legal products that conflict against human rights should be done. The government needs to have a policy on repressive case handling.

According to the nine development priorities (Nawacita) principal, the essence of state's vision and mission is the presence of state in all aspect of community life. From the publication perspective, the current development still focuses on physical construction such as dams, buildings, road and etc. We need to push Jokowi Government to be presence in the non-physical development as the implementation of constitution in Indonesia.

By late 2014, the government issued the Law No. 23 of 2014 on Local Government. In Article 351, the head of local government's obligation is to implement the recommendations of the Ombudsman of the Republic of Indonesia. It is stated in verse 4, meanwhile verse 5 states that there is a sanction given to the Head of Local Government who do not implement the recommendation of the Ombudsman of the Republic of Indonesia. We need to ensure that the Law is implemented properly.

Response from the Witness and Victim Protection Agency (LPSK)

Presented by Lili Pintauli, Commissioner in charge for Monitoring, Research and Development
Assalamu Alaikum Wr. Wb.

The honorable Mrs. Shinta, Ladies and Gentlemen. First of all, I would like to say Happy Mother's Day.

The Witness and Victim Protection Agency delivers its response to the report of the Special Rapporteur of Komnas Perempuan on violence and discrimination against women in the context of institution right violation of religious freedom. We want to underline the findings on women victims condition due to institutional right violation of religious freedom in which they also:

- Experience domestic violence
- Threaten for divorce or polygamy for not changing their belief
- Criminalized
- Discrimination by surrounding neighborhood
- Lack of health access
- Stigmatization
- Feeling insecure and less protected
- Traumatized
- Lack of environmental sanitary access

Special Rapporteur also found a number of violence types experienced by the women of minority religion, such as:

1. Psychological violence
   - Terrorized with hate speech (in the sermons)
   - Blackmailed or teased
   - Disrupted when performing worship
   - Forced to convert their beliefs
   - Exclusion and expulsion
   - Threaten for polygamy or divorce
2. Physical violence
   - Kicked
   - Thrown something at
   - Pushed

3. Economic violence
    - Extortion
    - Property destruction and pillage
4. Sexual violence
    - Rape threat
    - Sexual abuse

It has been discussed earlier that there are 31 violated constitutional rights. These findings are important to understand. Furthermore, how the Witness and Victim Protection Agency could play its roles in this issue?
According to the Law No. 13/2006 on Witness and Victim Protection, the Witness and Victim Protection Agency is the institution tasked and has authority to provide protection and grant rights to witness and/or victim (Article 1 verse (3)). The Witness and Victim Protection Agency is the institution that has domain in criminal justice system, who is in charge for providing protection and assistance to crime witness and victim (Article 12).

The Authorities of the Witness and Victim Protection Agency according to the Law No.31 of 2014 on the Amendment of Law No.13 of 2006 on the Witness and Victim Protection are:

1. Ask for information verbally and/or in written from the pleader and other party related to the pleading
2. Review the information, letter, and/or relevant document to obtain the truth on the pleading.
3. Request copy of the letter and/or relevant document from any institution to check the pleader report pursuant to the existing legislation
4. Request information on the case progress from the law enforcement officer
5. Change the identity of protected person pursuant to prevailing regulations
6. Manage the safety house
7. Relocate the protected person to a safer place
8. Provide security and guardianship
9. Provide witness and/or victim assistance during criminal court trial; and
10. Conduct estimation of compensation for restitution and remedies purpose

Law No.31 of 2014 also describes the witness and victims' rights which generally cover the rights of protection, procedural right, and right for assistance such as medical, psychological, psycho-social and to obtain compensation or restitution or remedies. The rights cover:

1. Obtain personal, family and property security protection, and be free from threat related to the testimony that he/she will provide, is providing and has provided.
2. Engage in choosing and determining types of protection and security support
3. Provide information without pressure
4. Get interpreter
5. Free from pitfall questions
6. Obtain information on case progress
7. Obtain information on the court decision
8. Obtain information in the event the convict is exonerated
9. To keep the secret of identity
10. Obtain new identity
11. Get temporary settlement
12. Get new settlement
13. Obtain temporary life fund until the end of protection period; and/or
14. Acquire guardianship

The role of the Witness and Victim Protection Agency related to the cases we discussed is that since August 8, 2008 since the inauguration of seven members of the Witness and Victim Protection Agency, we have met our colleagues from the Religious Freedom Alliance (AKBP) who came to request protection and guardianship to the District Court of Central Jakarta. We have seven members and we fulfill the request by coordinating with the Regional Police of Great Jakarta.

The roles of the Witness and Victim Protection Agency related to protection of witness and victim of minority religions are:

1. Protection of 7 (seven) witnesses and victims in Ahmadiyya members attack on February 6, 2011. The services we provided cover safe house facility and guardianship to each of them during investigation. We provide medical, psychological and psycho-social supports
2. Protection of 44 witnesses and victims in Shi'a members attack in Sampang. We coordinated with the Local Government of Sampang, provided guardianship and recommended to change the court venue for the sake of witnesses and victims safety
3. Legal protection for witnesses and victims in Ahmadiyya and Salafi cases in West Nusa Tenggara.

Recommendations:

1. A comprehensive and integrated national strategy on protection for protection of minority religion victims needs to be developed
2. Conduct review on the Law No.7 of 2012 on social conflict management since the Law is often counter-productive in immediate response to the law enforcement efforts in a number of attack cases to the minority religion members.
3. Strengthen the capacity and authority of Komnas Perempuan to be able to take an active role in providing first assistance and policy advocacy in handling the violence case against Women.
4. The Witness and Victim Protection Agency will handle the a comprehensive protection of witness and victims, particularly those of minority groups (children, women, elders and etc.) in religious minority case pursuant to prevailing regulations.

Article 6 verse 1 of the Law No 31 of 2014

Victims who are entitled to receive the Medical, Psycho-social and Psychological supports are: Victims of severe human rights violation, victims of terrorism crime, victims of human trafficking, victims of physical abuse, victims of sexual abuse, and victims of severe abuse.

Psycho-social rehabilitation support:

Psycho-social rehabilitation refers to all types of service and psychological and social supports aims at helping to lessen the burden, protect and recover the physical, psychological, social and spiritual conditions of victims, so they are able to exercise their social function normally. The Witness and Victim Protection Agency strives to improve the victims' quality of life by coordinating with relevant institutions authorized to provide clothing, foods, refugee camp, jobs or education assurance.

Roles of The Witness and Victim Protection Agency in Handling The WEtnesses and Victims of Minority Religions

1. Protection of 7 (seven) witnesses and victims in Ahmadiyya members attack on February 6, 2011.
2. Protection of 44 witnesses and victims in Shia members attack in Sampang.
3. Legal protection for witnesses and victims in Ahmadiyya and Salafi cases in West Nusa Tenggara.

Recommendations:

1. A comprehensive and integrated national strategy on protection for protection of minority religion victims needs to be developed
2. Conduct review on the Law No.7 of 2012 on social conflict handling since the Law is often counter-productive in immediate response to the law enforcement efforts in a number of attack cases to the minority religion members.
3. Strengthen the capacity and authority of Komnas Perempuan to be able to take an active role in providing first assistance and policy advocacy in handling the violence case against Women.
4. The Witness and Victim Protection Agency will handle the a comprehensive protection of witness and victims, particularly those of minority groups (children, women, elders and etc.) in religious minority case pursuant to prevailing regulations.

ANNEX 11

Response from the Indonesia Police Department (POLRI)

Presented by AKBP Iriani
Assalamu Alaikum Wr. Wb and May peace be upon us.

Thank you to Mrs. Shinta for her report. The report has a significant meaning for us.
The establishment of police women emerged from the need of women for conducting body checking, at that time we utilized the police wives to conduct body checking. Later, police women in Bukit Tinggi was established and the adolescence and women unit was developed. There was no law on children and women, thus police women used their own creativity since the tasks have not been accommodated.

Nowadays, the Special Service Room has been established at the Provincial Police and District Police level. Mrs. Shinta is true that the women are violence victims. They encounter problems not only during the law enforcement process, but also after the process.

We have synergized with the Ministry of Women's Empowerment and Child Protection to provide service and legal handling. We have planned to train 7000 policewomen to handle women and children case. This program is run with some stages. We have not completed the whole stages, but majority of stages are running now.
I conclude my response. Thank you.

Responses from Discussion Participants

Report of findings and recommendation of Special Rapporteur of Komnas Perempuan on Violence and Discrimination against Women in the Context of Institutional Right Violation of Freedom of Religion/Belied is presented coinciding with the Mother's Day on December 22, 2014. It has been three years in a row, Komnas Perempuan uses December 22 as a momentum to remind that today is the day of the nation's mothers, in which women express their state's vision and mission that should be prioritized to achieve Indonesia as aspired in the Constitution. Komnas Perempuan names this activity as "Message of Mother's Archipelago"

Before hearing responses from the participants, the moderator would like to remind that the report covers

1. More than 40 districts in 12 provinces
2. Three cases on forced belief to Shia, Ahmadiyya, and Baha'i communities
3. 47 cases related to obstruction of worship house establishment including HKBP Filadelfia and GKI Yasmin, 36 churches and 5 Buddhist monasteries. A number of mosques were also forbidden for construction. And one local worship house names Panbe.
4. One church and one school have been destructed since the intolerant groups were not satisfied regarding the court ruling on blasphemy in Temanggung
5. Documentation and field visit activities are a collective work of Special Rapporteur team with victim communities.

In this report, Komnas Perempuan also asks for response from the Ministry of Home Affairs, yet there was no attendance confirmation. Each presenter of Line Ministries has received the report of Special Rapporteur, we expect that these parties could provide the more directive responses and follow ups based on the findings and recommendations. For instance, in point 8 of report recommendation, we highlight the role of police who tended to use approach that intimidate the minorities, instead of creating security for the displaced people. We hope that there is an explanation on how Indonesia Police Corp will improve their roles in providing security to the women and stop the omission.

During discussion session on findings and recommendations of Special Rapporteur, responses from participants will be divided in two sessions. Response could be comment on the statement that has been presented and question to the panelists from line ministries.

a. Response from Cory Maukar, GDPI Jatinangor, Sumedang, West Java

In GDPI Jatinangor case, my husband (Father Bernard Mukar) was caught and arrested due to building permit. To date, we have not get what the Head of Sumedang District has promised. Head of Sumedang District facilitated us in the church of Institute of Home Affairs Governance (IPDN), but we were not welcomed by the Head of Institute. Now we still have to move from one place to another place to perform our worship. We used to perform our worship in the stadium of Institute of Home Affairs Governance and last time we performed our worship at the church yard of Institute of Home Affairs Governance. The church was empty but we were not allowed to use the church, so we chose to pray at the church yard. We have met with the local government for facilitation but our rights were not granted. There is no attention at all and they apparently abandon us.

Last week, we prayed while felt insecure. There were many cars passed and we felt terrified. We have no problem of performing our worship at the yard of Institute of Home Affairs Governance. But we were expulsed by the students. There were 200 people of us. The students threatened us. We reported to District Police, but there was no response. In this opportunity, we plead to be able to celebrate Christmas peacefully.

b. Response from Nia Syarifuddin, Unity in Diversity Alliance (ANBTI)

I highly appreciate the work of Komnas Perempuan. I am not satisfied with the brief answer provided by the Ministries. The response was a lip service, so what about the implementation? I remind to all leaders to have commitment to the nine principles (*Nawacita*). I feel sad when I heard the religious freedom issue. Those who are minority should be ready to be the victims. In East Nusa Tenggara, the mosque is not allowed for construction. The ones who defend the mosque construction in Kupang are the Christians. At that time the Mayor from East Nusa Tenggara stated "Do not make it a fuss, GKI Yasmin case cannot even be resolved". The problem lies on minority-majority issue. We have not been independent for more than 100 years and we have started rending our own people. Thus, resolving the violence based religion case is a must.

My suggestion for religious affairs will be to start from humanity value, instead of our own religious value. State should be presence and accommodate the right of religious freedom. Hold on to the nine principals for a better country. Never let the intolerance lead us to disunity.

c. Response from Father Luspida Simanjuntak, victim of Cikeuting 2009, Bekasi

I was invited to HKBP Filadelfia last Saturday. I personally felt that the scar in my heart is still there, it feels painful, and my dream has not come through. Ministry of Social Affairs earlier stated that to build our relation, we must synergize with others. I have built my

relation with Christian and Moslems in Bekasi for four years, but my enemy there is neither Christian nor Moslem, but the Islamic Defender Front. And it still happens to date.
Do not just give us lip service, because we need the implementation. When our members were stabbed and I got hit, the ones who did that were the police officers, the officers did not do their duties. They just stood there. At that moment, the government gave us options: to move to the building provided by the government, i.e. land with the area of 2500 m^2. But in reality, the land never exists.

My dream with GKI Yasmin and HKBP Filadelfia fellows is to be able to perform our worship peacefully. Let us achieve the true unity in diversity, and not just give lip service.

d. Response from Nashirudin, displaced person of Transito case

First of all, I represent West Nusa Tenggara. There was a displaced mother who delivered a baby during Mrs. Shinta's visit to West Nusa Tenggara. Currently, there are 22 children born in the refugee camp and we have been living there for 8 years and 9 months. We, as the victim community, do not feel that we are the minority, but majority. We are the strong people who were gang up on by the weak people.

I want to inform the progress. The convict was issued by the Indonesia Ulema Council and the executor is the Islamic Defender Front. Both are like a perfect marriage couple. There are only two parties who could expulse the Islamic Defender Front, namely Nahdhatul Ulama which were assisted by the Multipurpose Fronts (Banser) and it is proven.

Second of all, I just want to state that the government should review the existence of the Indonesia's Ulama Council (MUI). The MUI is not just rooted at the central government, but also down to the village offices.

Please create a an Islamic gathering *(majelis taklim)* on human rights, so the gathering can be replicated at the province and district/municipality level, so the existing Islamic gathering could gain understanding on human rights

e. Response from Emma, displaced person of Transito case

Impact to men and women of the attack to minority group is different. We, the mothers in Transito, have experienced it. My question to the Indonesian Child Protection Commission is that children have the rights of religion similar to their parents' belief. Now, 22 children were born, should we wait for 100 children to obtain such religious freedom? When will we earn the rights of religious freedom?

f. Response from Andy Yentriyani, moderator

I am sure that we expect this activity is not be just a ceremonial event, but to be a collective power to ensure a better fulfillment of constitutional right. From the report of Mrs. Shinta,

we observe that violence against women multiplies in the context of intolerance. We also observe that society's hope is higher for Indonesia Police Corp, ministries and relevant institutions to perform better at their duties.
This is a monitoring activity that we carried out from 2012 to 2013. Commissioners involved are KH. Husein Muhammad, Mrs. Kunthi and myself. We will complete our term in Komnas Perempuan. We highly expect the recommendations to be followed up later.

We welcome all partnership offers particularly with the National Commission on Human Rights, the Indonesian Child Protection Commission, the Witness and Victim Protection Agency and the Ombudsman of the Republic of Indonesia. We have conducted joint monitoring (for Shi' a case in Sampang and displaced Ahmadiyya community in Transito). I hope such cooperation can be continued. We also hope that the recommendations of Mrs. Shinta Nuriyah obtain a stronger support from the state. Hopefully, we can be the public eyes to monitor the recommendations to not end up just as a report.

I also appreciate the victim community who do not only fight for the fulfillment of their rights but also to achieve a better Indonesia. I want to close today's event by wishing a Merry Christmas to my fellows who celebrate it. Hopefully, all my fellow could celebrate Christmas peacefully at your own worship places, particularly my fellows who have processed their building permits for their worship houses. Once I again, I say thank you.

Report and Response from the Special Rapporteur

Chapter 1: Report
Assalamu Alaikum Wr. Wb. Good Morning

I would like to express my gratitude to the attendees who intend to provide feedbacks for our monitoring on violence and discrimination of constitutional right of religious/belief violence against women. Violence and discrimination of constitutional right of religious violence against women has happened long time ago. There have been many institutions who tried to draft a report or writing on this matter. However, one issue that was not focused on or recorded in the reports compiled by the institutions who conducted research is women. The issue is exist but often forgotten.

Since today is Mother's day, it is the right occasion to discuss about women. When violence happened to minority groups, women must have to deal with it, in fact that is not the case. What do our communities imagine of women under violence situation? It is assumed that women's experience will be similar to other people. In reality, women experienced, felt and suffered more severe than the community. While women is the central figure in human life.

Therefore, Komnas Perempuan initiated to conduct a research on violence and discrimination of constitutional right of religious freedom on the basis of the experiences of religious violence women victims. Our findings are remarkable and they have not been revealed to public, particularly to the Ministries of Religious Affairs, Human Rights, Social Affairs and etc.

First finding: women also experience various types of violence, namely psychological, physical, economic and sexual. The other three types of violence are experience by other people, but the sexual abuse only happens to women. Psychological violence could be experienced in the forms of intimidated and disturbed while performing prayers, conduct counter-activities when prayer is performed, forced to sign religious conversion, spied on, expulsed, threatened for polygamy, divorced by the husband and husband's family. This type of violence was experienced by the Shi'a and Ahmadiyya community. Psychologically, such violence is also experienced by men, but women experience more fears because they feel worry about not only for themselves but also their children's safety.

Physical violence experienced by women can be experienced in the forms of being hit, kicked, and thrown sandals, feces, stone, rotten egg and other items at. Man could quickly save

themselves, but women will have difficulties in saving themselves. Another form of violence is being pushed. Women's suffer is different than the men's. Women's suffer multiplies because they are the group members, wives, women and mothers.

Economic violence experienced by women can be experienced in the forms of extortion, destruction and village. In terms of sexual violence, women are often threatened for rape, experience sexual assault. Even if the women are teacher or wife of group leader, when they are on the road, women are vulnerable to sexual threat.

Apart from the violence experienced by women, the second finding is discrimination experienced by women of religious minority which occurs in some sectors, among others:

1. Civil administration
2. Different treatment in health service, including reproductive health. It is experienced by Ahmadiyya community, not only in Transito, and it is also experienced by Baha'i and Shi'a. When they are about to deliver a baby, they are hindered to obtain a good service.
3. Difficulty in registering marriage. For this case, men do not encounter any problem or they encounter a milder problem than women. It affects women in a long-term than men since women could be stigmatized as the old virgin when they do not get married, and its relations to reproductive issue, that could inhibit the pregnancy and baby delivery process.
4. Removal of livelihood source. Women, who are perceived as the members of minority group, are vulnerable to discrimination. Like in Ahmadiyya case, the husband was a victim and the wife should take the role as the family provider. However, the community perceives that the wife should not be granted with the rights earned by other women.

Other finding is women do not just stand still when violence and threat affect their groups. Women will not remain silent but they strive with significant efforts, such as:

1. Women in each community are the center of community power to strive
2. Women's power could be observed from their persistence in keeping their faith, respecting religious freedom and diversity. It is observed in each minority group. They strived all out for their faith, assets, children's safety, children's education. Women bear all those issues.
3. Women are the backbone of their families, even they strive with all the limitations, by selling items or helping laundry, sewing clothes and etc. to sustain their family life.
4. As mothers, they continue to educate their children to not hate or hold the grudge, women as the family member strive for peace building. It is experienced by GKI Yasmin. Since they are forbidden to pray in their church, the children experienced

trauma and hate other group and institution. It becomes mother's burden to give lesson and educate them on sublime values and piety to God.

5. Women as community member strive to improve the social relation. Women do this through *arisan*[14], empowerment family welfare (PKK) program, women groups in the neighborhood and etc. When the attack and expulsion occur, women will be burdened the most. Sometimes women were distributing daily needs to the community, and when the attack happened, their offers were rejected by the community. Or in Shi'a case, when women came to a funeral, they were rejected and the rice they gave to community were used to feed chicken. Psychological and moral burden for women is heavier. Women's burden is higher than the men's.

No report has shown how women cope with religious-based violence, how women strive for their children education and family economy, and how women could maintain social relation with the community surrounding. Our monitoring findings underline these conditions.
Other finding related to state role which does not seem to focus on women but the impacts affect women, among others:

1. Central and Local Government are perceived taking a part in institutionalizing discrimination against religious minority group through discriminative policy
   a. Law No.1/PNPS/1965 is still used as a reference
   b. Joint Decision of two ministers related to worship house construction, it is perceived to inhibit the process, instead of regulating.
   c. Revocation of Baha'i ban since 2000 was not disseminated well and they continuously experience discrimination
2. Local government is deemed as the active actor of religious freedom violence, for instance through regional police division commissioned to uphold regional regulations and peace and public order (Satpol PP), Head of District and Head of Sub-district.
3. Office for Religious Affairs (KUA) is the state agent for discrimination by rejecting the marriage registration of Ahmadiyya couple, although some offices are willing to register the couple.
4. Indonesia Police Corp is deemed to allow the discrimination to happen by using the excuse of limited human resources. They also use the approach that weakens the minority group by using the excuse of minimizing conflict risk. If there is a good deed done by Indonesia Police Corp, it appears more as an individual action rather than institutional action. This case happened a lot to Shi'a and Ahmadiyya. These two communities have suffered loss of material, even life.

14 An arisan is a regular social gathering in which members operate a rotating saving scheme

5. The Interfaith Harmony Forum (FKUB) is often dysfunctional, established to legitimate the Local Government will, although in some area, the forum is able to be the mediator and ensure the fulfillment of religious freedom right.

Ladies and Gentlemen, it is a violation against religious freedom. But it feels unfair if we do not present the latest progress of the minority groups that experienced violence:

1. Ahmadiyya
   a. Displaced women in Transito have a better access to civil administration and other public service.
   b. There is no security assurance to go back to their hometown and access their possessions
   c. Still anxious of upcoming attack

2. Shi'a
   a. Majority live in Sidoarjo refugee camp, without security assurance to go home and access their possessions
   b. Difficulties in accessing education service for children.
3. Community who have difficulties in erecting their worship houses
   a. GKI Taman Yasmin and HKBP Filadelfia still could not access the church premise although the status is enforceable.
   b. No substitute location for HKBP Cikeuting
   c. All worship houses registered in this monitoring still could not be used.
   d. Community recovery is done independently
   e. Women are anxious since the legal process for the violence actors and hate speech progress slowly, almost no progress.

Ladies and Gentlemen, the recommendations of Komnas Perempuan are addressed to various institutions, among others:

1. President, as the state head and government head to response the intolerance issues immediately, by:
   a. Ordering the Head of Local Government to comply with the law, including the assurance of security protection for Christmas 2014 and construction of worship houses of GKI Yasmin and HKBP Filadelfia in their respective venues.
   b. Ordering the Head of Local Government and Ministry of Religious Affairs to facilitate the recondition of worship houses which were destructed or sealed, and provide worship venue for the religious minority community who could not fulfill the pre-requisite of worship house construction.

c. Ordering repatriation of religious intolerance victims, Ahmadiyya and Shi'a congregations, with security assurance
d. Ordering a comprehensive handling of intolerant victims, with the special attention to women and children vulnerability according the Law on Social Conflict Management

2. President and the House of Representatives to carry out substantive amendment to improve the religious/belief freedom guarantee, by:

   a. Implementing the Constitutional Court Ruling immediately to amend the Law No.1/PNPS/1965 to prevent religious intolerance action to happen and ensure the true religious freedom.
   b. Harmonizing Laws and Policies to be in line with Constitution's objectives and ratified covenant.
   c. Establish a sanction mechanism to the Head of Local Government who fail to implement the court ruling related to construction of worship house.

3. President, as the head of government to order the ministries, with regards to:

   a. Revoke the Joint Decision of the Ministry of Religious Affairs, the Ministry of Internal Affairs and the Attorney General Office on Ban of Ahmadiyya Teaching Dissemination
   b. Amend the Joint Regulation of the Ministry of Religious Affairs and the Ministry of Internal Affairs No. 08 and 09 of 2006 to facilitate the construction of worship house.
   c. Use the authority of the Ministry of Internal Affairs to revoke the local regulation on religion since it is conflicting with the Law No. 23 of 2004 on Local Government.
   d. Review and warn the Indonesia Islamic Leader Council related to its role in building harmony among religious groups
   e. Endorse the leadership of some tolerant, democratic and inclusive groups in community to counteract the intolerant religious understanding manifested through brutal and destructive actions.

Actually, the recommendations above are the brief version, the full recommendation can be found in the report. We would also thank the survivors who were willing to share the stories and hopes to the parties involved in this monitoring.

Ladies and Gentlemen, I hereby conclude the report. We expect comments and feedbacks from you to produce a better report that benefits the society. The report highlights the need to ease the burdens of women. Women as the pillars could educate children and socialize at their best to build the unity of Indonesia.

Chapter 2: Response to Line Ministries and Discussion Participants' Comments:

Upon hearing the explanation from Mr. Machasin (Ministry of Religious Affairs), I feel the breeze in my heart, but the fire is still out there blown by the intolerant groups. They shared the understanding which is not in accordance with the views of government and local government policy. Hate speech still rampant and provocation still exist in our society. I request the Ministry of Home Affairs policy to control these actions, so the fire is off and all parties feel secured.

I would also like to raise a question on the relationship between the Ministry of Religious Affairs, the Ministry of Home Affairs, and local government. With regards to resolving religious minority issue, these three institutions keep passing the bucks. What is actually happening and what policy triggers the three institutions to pass the bucks, which is adding more problems instead of solving problems.

I also thank the response, information, and feedbacks you provided for this report. We will incorporate them to revise the report and the recommendations from you will be included in the report's recommendation chapter. Responses from the Ministry of Religious Affairs, the Ministry of Social Affairs, the Ministry of Law and Human Rights, the Ministry of Women Empowerment and Child Protection, the Indonesia Police Corp, the Ombudsman of the Republic of Indonesia, the Witness and Victim Protection Agency, the National Commission of Human Rights, the Indonesian Children Protection Commission, and others are very valuable for us.

Hopefully, what we present could be materialized and provide insight to answer the deadlock that enchain the minority groups. We expect that the religious freedom can be expressed and the victims are granted their rights according to the prevailing regulation.

We hope that the Report on Violence and Discrimination of Women in the context of Constitutional Rights of Religious Freedom 2012-2013, which is launched at the end of 2014 could benefit the whole Indonesian people.

Thank you.

THE MINISTRY OF RELIGIOUS AFFAIRS
THE REPUBLIC OF INDONESIA

Jakarta, July 24, 2014

No : MA/276/2014
Annex :
Matter : Information on Baha'i Existence in Indonesia

To
The Minister of Home Affairs
Jakarta

Assalamu Alaikum Wr. Wb.

Referring to your letter No. 450/1581/SJ dated March 27, 2014, we present the following information:

1. That Baha'i religion is one of the religions that exist in many countries. From the information, Baha'i is spread in more than 20 countries;
2. That on the basis of the study of Religion Research and Development Agency and Religion Training Center of the Ministry of Religious Affairs, Baha'i is not a branch of any religion. Baha'i has spread in Indonesia with the largest community in North Sumatera, DKI Jakarta, West Java, Central Java, East Java, South Sulawesi, North Sulawesi and Bali. Based on the survey conducted in April 2014 in 11 cities, followings are the number of Baha'i community members: Jakarta (100 people), Bandung (50 people), Palopo (80 people), Medan (100 people), Pati (23 people), Bekasi (11 people), Surabaya (98 people), Malang (30 people) and Banyuwangi (220 people);
3. Therefore, we state that Baha'i is included as the protected religion according to the Article29, 28E and 28I of the 1945 Constitution.
4. Based on the explanation of Article 1 of the Law No 1/PNPS/1965, Baha'i is not listed in the six religions (Islam, Christian, Catholic, Hindu, Buddha and Confucius). Baha'i community, just like other religions outside the six religions, obtain a full guarantee from the state and is allowed to exist as long as it does not violate the law.

Baha'i community as the citizens of Indonesia are entitled to obtain services from the Government in administrative matter, civil registration, education, law and others pursuant to regulation.

We hope the information is useful and could be used accordingly.

The Minister of Religious Affairs
Lukman Hakim Saifuddin

The President of The Republic of Indonesia Decree
NO. 69 OF 2000
On

Revocation of The Presidential Decree No 264 of 1962 on The Ban of Democratic League Organization, Rotary club, Divine life society, Vijmetselaren-loge, Moral rearmament movement, Ancient Mystical Organizarion of Rosi Crucians (amorc), and Baha'i Organization The President of The Republic of Indonesia,

Considering:

a. That the establishment of social and religious organization is the right of each Indonesian citizens;
b. That the ban on organizations listed in the Presidential Decree No. 264 of 1962, is deemed not in accordance with the democracy principals;
c. That although in reality the Presidential Decree No 264 of 1962 is not effective any longer, to provide legal certainty, the Presidential Decree should be revoked firmly.
d. Based on the above mentioned considerations letter a, b, and c, it is deemed necessary to revoke the Presidential Decree No, 264 of 1962;

Referring to:

1. Article 4 verse (1) of the 1945 Constitution;
2. Law No. 39 of 1999 on Human Rights (State Gazette of 1999 No. 165, Supplement to State Gazette No. 3886).

Deciding:

Stipulating:

Revocation of The Presidential Decree No 264 of 1962 on The Ban of Democratic League Organization, Rotary Club, Divine Life Society, Vijmetselaren-loge, Moral Rearmament Movement, Ancient Mystical Organizarion of Rosi Crucians (amorc), and Baha'i Organization

Article 1

Revoke the Presidential Decree No. 264 of 1962 on the ban of Democratic League Organization, Rotary Club, Divine Life Society, Vrijmetselaren-Loge, Moral Rearmament Movement, Ancient

Mystical Organization of Rosi Crucians (AMORC), and Baha'i Organization

Article 2

The Presidential Decree comes into effect on its enactment date.

Stipulated in Jakarta

On May 23, 2000

Signed

ABDURRAHMAN WAHID