



**JUBILEE CAMPAIGN**  
**ECOSOC Special Consultative Status (2003)**  
**SET MY PEOPLE FREE**

**United Nations Human Rights Council**  
**Universal Periodic Review – THIRD CYCLE**  
**Submission to the 41<sup>st</sup> session of the Human Rights Council's Universal Periodic Review**  
**October – November 2022**

**Republic of Indonesia**

**A Vital Voice or Those Suffering in Silence**  
**9689-C Main Street • Fairfax, VA 22031-3746 TEL: (703) 503-2260 FAX: (703) 503-0792**  
**EMAIL: [jubilee@jubileecampaign.org](mailto:jubilee@jubileecampaign.org)**  
**P.O. Box 700 • Addlestone • Surrey, KT15 9BW • United Kingdom**  
**JUBILEE CAMPAIGN IS A NON-PROFIT, TAX EXEMPT, CHARITABLE ORGANIZATION IN THE UNITED STATES**

**United Nations Human Rights Council  
Universal Periodic Review of the Republic of Indonesia**

**I. Background**

1. **Jubilee Campaign**, in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in the Republic of Indonesia as a contribution to the Universal Periodic Review.
2. **Set My People Free** is a network of individuals, churches and organizations working for the freedom of converts from Islam to live and practice their new faith, and to experience equality and justice in their home countries.

**II. Scope of international obligations and cooperation with international human rights mechanisms and bodies.**

3. Indonesia has ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of the Child; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography; and the Convention on the Rights of Persons with Disabilities.
4. Indonesia has not ratified the Optional Protocol of the Convention against Torture; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; and the Convention for the Protection of All Persons from Enforced Disappearance.

**Recommendation(s)**

We urge the Republic of Indonesia to:

5. Ratify the Optional Protocol to the Convention against Torture; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; and the Convention for the Protection of All Persons from Enforced Disappearance.

**III. Violations of international human rights obligations, considering applicable international humanitarian law**

## A. Freedom of thought, conscience, and religion

6. Indonesia's Constitution of 1959 states in Article 28E that "every person shall be free to choose and to practice the religion of his/her choice [...]" and that "every person shall have the right to the freedom to believe his/her faith (kepercayaan), and to express his/her views and thoughts, in accordance with his/her conscience". Article 28I states that "the rights to life, freedom from torture, freedom of thought and conscience, freedom of religion, freedom from enslavement, recognition as a person before the law, and the right not to be tried under a law with retrospective effect are all human rights that cannot be limited under any circumstances". Article 29 states that "the State guarantees all persons the freedom of worship, each according to his/her own religion or belief".<sup>1</sup>
7. Indonesia only formally recognizes six official religions: Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism.
8. Indonesia upholds a restrictive definition of what constitutes a religion with legal status: the belief system must have a prophet or holy figure; the belief system must have a scripture or holy text; the members of the belief system must agree on common rituals and traditions; and the belief system must have international recognition. Due to the exclusionary nature of such a definition, many indigenous faiths and spiritual traditions are rejected by the state.<sup>2</sup>
9. Article 156a of the Penal Code of Indonesia states that any act of intentionally and publicly expressing enmity or contempt against a religion with the purpose of preventing an individual from adhering to said religion is punishable by five years in prison.<sup>3</sup>
10. In September 2019, the Indonesian parliament made public a draft of a new criminal code which in proposed Articles 304 to 309 would further violate religious freedom and gender equality, and which would expand on the nation's 1965 Blasphemy Law to include "defaming religious artifacts" as a crime.<sup>4</sup> Proposed Article 2 would "recognize 'any living law'" in Indonesia, which Amnesty International explains could "be interpreted to include *hukum adat* (customary criminal law) and Sharia (Islamic law) regulations at the local level and could therefore be used to justify such laws which target faith minorities.
11. The Blasphemy Law, formally *Presidential Decree No. 1/PMPS/1965 on the Prevention of "Religious Abuse and/or Defamation"* criminalizes "deviating" from the six official religions. Article 1 states that "every individual is prohibited in public from intentionally conveying, endorsing or attempting to gain public support in the interpretation of a certain religion embraced by the

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<sup>1</sup> [Constitution of the Republic of Indonesia \(last amended 2002\)](#) [], 1945.

<sup>2</sup> Religious Freedom Institute, [Indonesia Religious Freedom Landscape Report](#), 2020.

<sup>3</sup> [Indonesia: Penal Code](#) [Indonesia], 27 February 1982.

<sup>4</sup> Human Rights Watch, ["Indonesia: Draft Criminal Code Disastrous for Rights"](#), 18 September 2019.

people of Indonesia or undertaking religious based activities that resemble the religious activities of the religion in question, where such interpretation and activities are in deviation of the basic teachings of the religion”.<sup>5</sup>

12. Article 86 of Indonesia’s *Law No. 23/2002 on the Protection of Children* states that “any person who deliberately uses deception, a series of lies or persuades a child to choose another religion not of his/her own will, even though the perpetrator knows or should know that the child is not sufficiently intellectually developed and responsible enough to make such a choice in accordance with their religion shall be punished with imprisonment of 5 (five) years and/or a maximum fine of Rp 100,000,000 (one hundred million rupiah)”.<sup>6</sup> While this law appears to protect children from forced religious conversions, it has been used to punish faith leaders for running Sunday schools and other activities.<sup>7</sup>
13. According to the Indonesian Legal Aid Foundation (YLBHI), during the COVID-19 pandemic but no later than June 2020 there were 38 cases of alleged blasphemy reported to law enforcement. Some of these were regarding a district leader distributing Friday prayer gathering flyers; an unproven mass religious conversion of children; deviating from traditional religious teachings; insulting a religious symbol; claiming to be an Islamic prophet; etc. The accused ranged from people as old as their early 20s and as young as 14.<sup>8</sup>
14. Chinese Christian Jozeph Paul Zhang uploaded a video in May 2021 in which he claimed to be the 26<sup>th</sup> Prophet of Islam; the video was part of a plan on his part to expose Indonesian authorities’ harsh treatment of individuals who commit alleged blasphemy against Islam but lenience towards individuals from the major religion who criticize minority faiths. Shortly after he uploaded the video, Indonesian Muslim clerics called for his murder and government officials threatened to enlist the assistance of Interpol to track him down.<sup>9</sup>
15. In September 2021, fellow inmates of Indonesian YouTuber and former-Muslim-cleric-turned-baptized-Christian, Muhammad Kace, physically tortured him and covered him with human feces while in detention for his alleged blasphemy. Authorities arrested Mr. Kace in August 2021 for criticizing Islam on his social media.<sup>10</sup>
16. Also in September 2021, authorities arrested Islamic imam Yahya Waloni from his home in Jakarta after he allegedly stated in a sermon that he believes the Bible to be fake.<sup>11</sup> Jubilee Campaign calls for the repeal of blasphemy laws and efforts to apply these laws non-discriminatorily does not retract the illegality of these laws, which penalize individuals for expressing his or her belief.

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<sup>5</sup> Amnesty International, *Prosecuting Beliefs: Indonesia’s Blasphemy Laws*, 2014.

<sup>6</sup> *Indonesia: Law of the Republic of Indonesia Number 23 of 2002 on Child Protection* [Indonesia], 22 October 2002.

<sup>7</sup> Christian Today, “[Imprisoned Christian Sunday School Teachers in Indonesia Establish Church](#)”, 7 October 2005.

<sup>8</sup> Budi Sutrisno, “[Indonesians remain sensitive to perceived blasphemy: YLBHI](#)”, *The Jakarta Post*, 10 June 2020.

<sup>9</sup> Johannes Nugroho, “[Façade of tolerance: Is Indonesia’s blasphemy law unfair to minority groups?](#)”, *South China Morning Post*, 16 May 2021.

<sup>10</sup> Ryan Dagur, “[Indonesian Christian YouTuber ‘tortured in detention’](#)”, *Union of Catholic Asian News*, 20 September 2021.

<sup>11</sup> Brad Adams, “[Two Preachers in Indonesia Charged with Blasphemy](#)”, *Human Rights Watch*, 9 September 2021.

17. In October 2020, a man named Kenneth William Saputra was arrested and charged with blasphemy after he posted a TikTok in which he added dance music to the sound of his video and claimed that a local mosque was using their prayer speakers to play music inappropriately. Saputra apologized for his video which he intended to be a joke.<sup>12</sup>
18. In August 2020, police arrested Apollinaris Darmawan, a 70-year old Catholic man and former Muslim, for blasphemy and insulting Islam for a Tweet he posted stating his opinion that “Islam is not a religion but a heretical teaching that silences and uncivilizes its people”.<sup>13</sup> Prior to his arrest, angry local Muslims attacked Darmawan and stripped him naked outside of his home. In December 2020 the court sentenced Mr. Darmawan to five years in prison, the maximum penalty. Jubilee Campaign and several organisations submitted a letter to the Indonesian embassy calling for his charges to be dropped.
19. In August 2020, Indonesian authorities arrested and sentenced to three years in prison a Muslim man who had stuffed a Qur’an into his pants and then ripped pages out of it.<sup>14</sup>
20. In May 2020, authorities arrested 19-year-old woman Ria Ernawanti in Central Lombok Regency and charged her with blasphemy after she uploaded a TikTok video of her dressed in an Islamic cloak and praying when she suddenly hears music from outside and begins dancing.<sup>15</sup>
21. In April 2020, an Indonesian man identified as “B” was charged with blasphemy after he sang the contemporary gospel song *Aisha Istri Rasulullah* (Aisha the wife of the Prophet) with altered lyrics he wrote himself about Aisha drinking wine with her husband. B, a Muslim himself, has apologized and expressed regret, but he still faces the possibility of a maximum five-year prison term.<sup>16</sup>
22. In January 2020, the Islamic Defenders Front (IDF) detained Delon Syhamputra of Tanjung Jabung Regency Timur, for negative remarks he made about Islam on his Facebook account.<sup>17</sup>
23. In January 2020, authorities arrested interfaith advocate Sudarto for his human rights advocacy. Authorities charged him with hate speech and spreading false information after he used his Facebook page to complain about the authorities

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<sup>12</sup> South Florida Times, “[Indonesian Faces Jail Time for Joke about Mosque Playing Music](#)”, 12 October 2020.

<sup>13</sup> Konradus Epa, “[Police arrest elderly Indonesian Catholic for blasphemy](#)”, *Union of Catholic Asian News*, 13 August 2020.

<sup>14</sup> Channel News Asia, “[Indonesia jails Muslim for destroying Koran](#)”, 5 August 2020.

<sup>15</sup> Coconuts Bali, “[Indonesian Woman Faces Blasphemy Charge For Dancing In The Middle Of Prayer In TikTok Video](#)”, 5 May 2020.

<sup>16</sup> Coconuts Jakarta, “[Indonesian Man Charged With Blasphemy For Altering Lyrics To Song About The Prophet’s Wife Aisha](#)”, 24 April 2020.

<sup>17</sup> Sekitarjambi, “[Delon, Tersangka Penista Agama Minta Maaf](#)”, 28 January 2020. ; Faktakini Info, “[Dilaporkn FPI Tanjabtim, Delon Syhamputra Duha, Pelaku Penista Agama Islam Akhirnya Tertangkap](#)”, 28 January 2020.

prohibiting Christians in West Sumatra's Dharmasraya Regency from holding Christmas mass celebrations.<sup>18</sup>

24. Setara Institute denotes that the most common forms of violations of religious freedom committed in the year 2020 by Indonesian state actors include: discrimination (71 incidents); arrest (21 incidents); accusations of blasphemy (20); prohibition of activities (16 incidents); investigation of accusations of blasphemy (13 incidents); prosecution for blasphemy (12 incidents); detention on charges of blasphemy (12 incidents); ban on business activity (10 incidents); verdict on blasphemy charges (9 incidents). The most common perpetrators of freedom of religion or belief violations from state actors include municipal governments (42 incidents); police and law enforcement (42 incidents); attorneys or lawyers (14 incidents); Satuan Polisi Pamong Praja (13 incidents); district courts (9 incidents); and Indonesian National Armed Forces (9 incidents).<sup>19</sup>
25. In January 2021, the parents of a 16-year-old Christian girl uploaded a video onto the internet of their daughter being forced to wear a hijab to attend school. After the video circulated, however, the school principal apologized in a press conference and ensured that the girl would be permitted to dress according to her faith. In response to the incident, the Indonesian government prohibited all public schools from making any religious attire mandatory.<sup>20</sup>
26. Indonesia's Aceh Province is notorious for enforcing brutal sharia punishments. In early 2020, local authorities caned a woman 200 times for allegedly engaging in extramarital affairs with two men; the men received 100 strokes each. In July 2020, authorities whipped a woman 100 times for advertising sexual services on the internet.<sup>21</sup> In February 2021, authorities publicly flogged three Christian men 40 times each in Aceh for alcohol consumption.<sup>22</sup> In January 2022, local law enforcement publicly flogged a woman 100 times for adultery; her male partner received 15 lashes.<sup>23</sup>
27. Meanwhile, throughout 2020 numerous hotels and restaurants in Indonesia – Hotel Soll Marina, Hotel Santika, Novotel, Hotel Bangka City, Menumbing Hotel, Swiss-Belhotel, Hotel Sahid, and Tan Kasteel Restaurant – banned their employees from wearing hijabs and other Islamic headdresses. Setara Institute explains that “hasty restrictions on headscarves and veils by public authorities actually lead to violation of *the internal forum* [...] not only as a form of

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<sup>18</sup> Dyaning Pangestika, “[Padang activist defends Christians' rights to hold Xmas Mass, arrested on hate speech charges](#)”, *The Jakarta Post*, 8 January 2020.

<sup>19</sup> Kidung Asmara Sigit & Ismail Hasani, *Intoleransi Semasa Pandemi: Kondisi Kebebasan Beragama/Berkeyakinan Di Indonesia Tahun 2020*, Pustaka Masyarakat Setara, November 2021. [Kidung Asmara Sigit & Ismail Hasani, *Intolerance During a Pandemic: Conditions of Freedom of Religion/Belief in Indonesia in 2020*, Setara Institute, November 2021.]

<sup>20</sup> BBC News, “[Indonesia bans forced religious attire in schools](#)”, 5 February 2021.

<sup>21</sup> Akahi News, “[Two Indonesian Women Whipped 100 Times Each For Online Pimping](#)”, 28 July 2020.

<sup>22</sup> Katharina R. Lestari, “[Three Indonesian Christians caned for drinking alcohol](#)”, *Union of Catholic Asian News*, 11 February 2021.

<sup>23</sup> Channel News Asia, “[Indonesian woman flogged 100 times for adultery, partner gets 15](#)”, 13 January 2022.

violation of freedom of religion or belief, [but] also part of discrimination against women on the basis of values or norms [of] religion”.<sup>24</sup>

28. In January 2022, Indonesia’s National Counterterrorism Agency (BNPT) revealed that approximately 200 Islamic boarding schools in the nation have ties to terrorist networks. 11 Islamic schools are associated with Jamaah Ansharut Khilafah; 68 are associated with Jamaah Islamiyah [group responsible for 2002 Bali terrorist bombing]; and 119 are associated with Jamaah Ansharut Daulah [group responsible for the 2021 Palm Sunday Makassar cathedral bombing, the 2019 Jolo Cathedral bombing, the 2018 Surabaya church bombings].<sup>25</sup>
29. The issue of the Indonesian Christian Church’s (GKI) Yasmin Church Compound in Bogor remains unsolved. The GKI’s permit for its Yasmin Church compound was arbitrarily revoked ten years ago after the municipal government received pressure from Islamists to close the church and stop the expansion of the Christian community. The provincial court and finally even the Supreme court, in 2010, ruled in favor of the church and ordered for a reversal of the injunction and permit revocation, yet the land has still not been returned. Disregarding the ruling granting the GKI access to their church building, Mayor Bima Arya Sugiarto of Bogor instead offered the GKI in 2021 a different plot of land to build a church. This offer has been rejected by the GKI, who have demanded that their rights granted by the court are respected. Moreover, to build a new church in Indonesia can take five to 10 years before permits are granted, extending the time Indonesian authorities deny GKI a place of worship arbitrarily.<sup>26</sup>
30. Since the district chiefs in Aceh Singkil Regency called for the arbitrary demolition of nine out of the ten churches in their district, claiming that only one church should exist in the predominantly Muslim region, Christians in the province have been regularly worshipping in makeshift wall-less shelters made of palm leaves and tarpaulins. A video of such a congregation circulated in July 2021 and caused the Fellowship of Churches in Indonesia (PGI) to call for church construction and for the Indonesian government to settle the issue.<sup>27</sup>
31. In September 2021, a mob of radical Islamists attacked an Ahmadi Muslim mosque in Sintang, West Kalimantan Province. The assailants, who view the Ahmadiyya minority as practicing a “heretical” form of Islam, vandalized the mosque and demolished parts of the building.<sup>28</sup> After the 21 perpetrators were identified, a district court sentenced each to four months and 15 days in prison; the Ahmadi community called for harsher punishments and the Advocacy Team

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<sup>24</sup> Supra note 19.

<sup>25</sup> International Christian Concern, [“Terrorism Gradually Infiltrates Indonesian Islamic Schools”](#), 26 January 2022.

<sup>26</sup> Mathias Hariyadi, [“Bogor’s Yasmin church dispute still unresolved”](#), *Asia News*, 16 June 2021.

<sup>27</sup> International Christian Concern, [“PGI Concerned about the Lack of Progress for Aceh Churches’ Building Permit”](#), 25 July 2021. ; Konradus Epa, [“Aceh Christians take church dispute to Jakarta”](#), *Union of Catholic Asian News*, 6 August 2021.

<sup>28</sup> Kunwar Khuldune Shahid, [“Indonesia mosque attack is a reminder that Ahmadi Muslims’ human rights need defending”](#), *National Secular Society*, 9 September 2021.

for Freedom of Religion and Belief stressed that “the judge’s decision is supposed to have a deterrent effect and be a warning to other people not to commit such actions, but this very light sentence will almost certainly encourage perpetrators”.<sup>29</sup> In January 2022, Sintang district officials ordered the demolition of the very same Ahmadi mosque that was attacked in September of 2020.<sup>30</sup>

32. In January 2020, authorities in Tasikmalaya, West Java, issued a joint decree prohibiting Ahmadiyya Muslims from renovating their Al-Aqso Mosque.<sup>31</sup>
33. In June 2021, hundreds of Indonesian Muslims protested the construction of a mosque that was to be utilized by the Muhammadiyah congregation; the issue at hand was that the land upon which the mosque would be built was managed by the rival Nahdlatul Ulama Muslim group.<sup>32</sup>
34. In March 2020, local authorities prevented the construction of a church for the Indonesian Baptist Church due to protests and opposition from local Muslim residents.<sup>33</sup>
35. On 19 September 2020, Christian Reverend Yeremia Zanambani was shot and killed in Hitadipa District, Intan Jaya Region, Papua. After an investigation, it was revealed that security forces had shot Reverend Zanambani while fighting armed separatist groups.<sup>34</sup> Indonesia’s human rights commission in November 2020 had expressed that they believed that the military had targeted Reverend Zanambani and physically tortured him in an attempt to retrieve information about stolen military weaponry before shooting him.<sup>35</sup>
36. Also in September 2020, the body of 55-year-old deceased Christian Pastor Albert Degei was found with injuries to his head. Local authorities originally claimed that Pastor Degei had died as the result of an untreated epileptic episode, but human rights investigators noted that Pastor Degei’s body had dried blood around his nose, eyes, and mouth, and that it displayed other wounds consistent with blunt force trauma.<sup>36</sup>
37. In October 2020, Indonesian military troops shot 23-year-old Catholic catechist Agustinus Duwitau; he had been holding an air rifle that the military mistook as an assault rifle. Due to his injuries, Duwitau had to be treated in the local hospital’s intensive care unit.<sup>37</sup>

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<sup>29</sup> Ryan Dagur, “‘Light’ sentences for Indonesian Ahmadi attack spark storm”, *Union of Catholic Asian News*, 7 January 2022.

<sup>30</sup> Ryan Dagur, “Indonesian district to demolish Ahmadi house of worship”, *The Muslim Times*, 15 January 2022.

<sup>31</sup> Arya Dipa, “Tasikmalaya authorities ban renovation of Ahmadiyah mosque”, *The Jakarta Post*, 9 April 2020.

<sup>32</sup> Andreas Harsono, “Indonesian Law Hampers Mosque Construction”, *Human Rights Watch*, 8 June 2021.

<sup>33</sup> International Christian Concern, “Baptist Church in Indonesia Unable to Build Its Church Due to Protests”, 15 March 2020.

<sup>34</sup> Alliance World Fellowship, “Reverend Yeremia Zanambani Shot Dead in Papua”, 12 November 2020.

<sup>35</sup> Reuters, “Indonesia rights commission alleges slain Papuan pastor was tortured”, 2 November 2020.

<sup>36</sup> International Coalition for Papua, “Mysterious death of pastor in Nabire raises questions – Relatives allege police is covering facts”, 17 November 2020.

<sup>37</sup> International Coalition for Papua, “Military member allegedly shot down Catholic church worker in Intan Jaya”, 17 November 2021.



38. In November 2020, Indonesian security forces shot and killed 28-year-old Catholic catechist Rufinus Tigau; the perpetrators have baselessly claimed that Tigau was a member of the Armed Separatist Criminal Group.<sup>38</sup> In response to the killing, a coalition of Indonesian Catholic associations sent a letter to the United Nations to involve human rights investigative mechanisms in the case.<sup>39</sup>

### **Recommendation(s)**

We urge the Republic of Indonesia to:

39. Repeal Article 156a of the Penal Code of Indonesia and *Presidential Decree No. 1/PMPS/1965 on the Prevention of “Religious Abuse and/or Defamation”*, as they are wholly inconsistent with international standards of freedom of religion or belief. In that same vein, quash Articles 304 and 309 of the draft revised criminal code introduced September 2019, as they would expand the list of so-called ‘blasphemous’ activities subject to criminalization;
40. Cease the practice of arresting individuals and imprisoning them on blasphemy charges. Accordingly, release all prisoners of conscience currently detained under such charges;
41. Abolish the restrictive and exclusionary definition of what constitutes a legally protected religion or belief system;
42. Fully prosecute all perpetrators of religiously motivated violence, regardless of what religious community the attacker and the victim are members of. All acts of religious violence and killings are unacceptable, and perpetrators must be held to account for the full justice of the victim and/or survivor;
43. Cease the practice of restricting the construction and renovations of houses of worship for faith minority communities. Similarly, prosecute all individuals responsible for attacks on houses of worship and other relevant acts of property destruction and desecration.

### **B. Freedom of Expression and Assembly**

44. In April 2020, the Central Jakarta District Court convicted six Papuan individuals (Paulus Surya Anta Ginting, Charles Kossay, Ambrosius Mulait, Isay Wenda, Dano Anes Tabuni, and Arina Lokbere) of “treason” for their participation in a peaceful protest in August 2019 against racism towards Papuans. All of those convicted were sentenced to nine months’ imprisonment with the exception of Wenda who was sentenced to eight months. Amnesty International noted that there are 57 Papuan prisoners of conscience in

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<sup>38</sup> Courtney Mares, [“Killing of catechist alarms Indonesia’s Catholic bishops”](#), *Catholic News Agency*, 4 November 2020.

<sup>39</sup> Agenzia Fides, [“ASIA/INDONESIA – Associations write to the UN: investigation into the murder of a Catholic catechist by the military”](#), 17 November 2020.

Indonesia who have been arrested and convicted simply for exercising their freedoms of expression and assembly.<sup>40</sup>

45. In June 2020, Balikpapan District Court sentenced seven Papuan activists (Ferry Kombo, Alexander Gobai, Agus Kossay, Stevanus Itlay, Hengki Hilapok, Buchtar Tabuni, and Irwanus Uropmabin) to between ten and eleven months in prison on charges of treason for their participation in the aforementioned anti-racism peaceful protest.<sup>41</sup>
46. In May 2021, Indonesian special police unit Satgas Nemangkawi detained Victor Yeimo, the spokesperson of the West Papua National Committee (KNPB), and charged him with treason. The defendant Yeimo is a renowned activist who established the KNPB after the 2008 killing of West Papuan man Opinus Tabuni while he was observing International Indigenous Peoples' Day; no individual has been apprehended for the murder.<sup>42</sup> In September 2021 it was reported that Yeimo has been diagnosed with a medical condition that requires daily treatments, but that he has not been provided such medical care. United Nations Special Rapporteur on the situation of human rights defenders, Ms. May Lawlor, has expressed concern that Yeimo may die in prison and called on Indonesian authorities to treat Yeimo.<sup>43</sup>
47. In July 2021, the Indonesian government revised and renewed for 20 years the unpopular Papuan Special Autonomy Law without any consultation with The Papuan People's Assembly. The revisions would grant the central Indonesian government more power to exercise control over West Papua and lead to "further marginalization and militarization"; changes also included that Papuans would no longer be permitted to establish local political parties. The renewal of the law occurred despite The Papua People's Petition against the law which received approximately 715,000 endorsements.<sup>44</sup>
48. In August 2021, Indonesian security forces used "discriminatory excessive force" against Papuans protesting the Special Autonomy Law; survivors reported being beaten, kicked, punched, hit with water cannons, and targeted by officials wielding rubber batons. Other participants that were attacked during the protests reported being called "monkeys".<sup>45</sup>
49. In November 2021, Genocide Watch issued a Genocide Warning for Indonesia, specifically in regard to Indonesian nationalists' violence towards West Papuans which has led to the displacement of some 50,000 Papuans. Indonesian

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<sup>40</sup> Amnesty International, "[Prisoners of conscience from Papua convicted of 'treason' for peaceful protest](#)", 24 April 2020.

<sup>41</sup> Amnesty International, "[Indonesia: 7 Papuan activists jailed for anti-racism protest](#)", 22 June 2020.

<sup>42</sup> Human Rights Watch, "[Indonesia: Drop Charges, Release Peaceful Papuan Activist](#)", 12 May 2021.

<sup>43</sup> United Nations Office of the High Commissioner for Human Rights, "[Indonesia: Life of jailed West Papuan activist in danger without urgent medical care – UN expert](#)", 20 September 2021.

<sup>44</sup> Civicus, "[Indonesia: Unilateral renewal of Special Autonomy and arbitrary arrest of protesters in West Papua](#)", 16 July 2021.

<sup>45</sup> Amnesty International, "[Indonesia: Papuan protesters shot, beaten and racially abused by security forces – new research](#)", 20 August 2021.

security forces have engaged in extrajudicial killings, physical torture, and sexual violence and rape against Papuans.<sup>46</sup>

50. In April 2021, Victor Mambor, a journalist who covered politics and the situation of violence in West Papua, received death threats regarding his work and had his car vandalized and damaged in an act of intimidation.<sup>47</sup>
51. Also in April 2021, the Indonesian government conducted strategically timed internet disruptions in Papua coinciding with the Papuan independence movement, despite that in June 2020 the Jakarta State Administrative Court ruled that termination of internet access is unlawful.<sup>48</sup>
52. Throughout 2020, Indonesian media networks and websites that posted articles criticizing the government's lackluster response to the COVID-19 pandemic were targeted by server hackings, DDoS (distributed denial-of-service) attacks, and doxing. It is believed the government may be responsible for these attacks and are contributing to a deterioration of press freedoms.<sup>49</sup>
53. The Indonesian government prohibits the display of the Morning Star flag in Papua (which is routinely used in Papuan independence rallies), the Republic of South Maluku secessionist flag in Molucca, and the Free Aceh Movement Crescent Moon flag in Aceh.<sup>50</sup>
54. In April 2020, authorities arrested activist Ravio Patra, a member of the United Kingdom's Westminster Foundation for Democracy, after messages inciting violence and riots were sent from his WhatsApp. Prior to the incident, however, Patra realized that his WhatsApp account had been hacked and registered on a different device. Patra believes that the Indonesian police had framed him as revenge for his previous posts criticizing the government's response to the pandemic. Though he was swiftly released on bail, Patra is still awaiting trial for charges of incitement of hate.<sup>51</sup>

## **Recommendation(s)**

We urge the Republic of Indonesia to:

55. Cease the practice of arresting individuals and imprisoning them on treason charges for their legally protected participation in peaceful demonstrations. Accordingly, release all prisoners of conscience currently detained under such charges;

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<sup>46</sup> Genocide Watch, "[Genocide Warning: Indonesia November 2021](#)", 1 November 2021.

<sup>47</sup> International Federation of Journalists, "[Indonesia: Military deployment in West Papua targets journalists](#)", 18 May 2021.

<sup>48</sup> Freedom House, [Indonesia](#), 2021.

<sup>49</sup> Kate Lamb & Stanley Widiyanto, "[Digital attacks raise fears over press freedoms in Indonesia](#)", *Reuters*, 24 August 2020.

<sup>50</sup> United States Department of State, [Indonesia 2020 Human Rights Report](#), 30 March 2021.

<sup>51</sup> Ary Hermawan, "[The curious case of Ravio Patra: Why Indonesian cyberspace is a dystopian nightmare](#)", *The Jakarta Post*, 24 April 2020.

56. Cease the practice of arbitrarily suspending internet services to regions in which independence movements take place;
57. Repeal the Papuan Special Autonomy Law, or otherwise include Papuan civil society in legislation revision meetings so that a newer version will better represent the will of the people.

### **C. Gender-Based Violence (GBV), Violence against Women (VAW), & Intimate Partner Violence (IPV)**

58. In multiple countries, the COVID-19 pandemic and subsequent lockdown measures are associated with an increase in domestic violence; Indonesia is not an exception. In August 2020 the World Bank’s East Asia & Pacific Gender Innovation Lab surveyed 866 Indonesian women regarding their experience with VAW during the pandemic. 17% of respondents reported experiencing VAW-related injuries within the past six months, and 43% and 46% of women reported that COVID-19 exacerbated feelings of danger at home and in the community, respectively. Other findings include that, unsurprisingly, the women who are most vulnerable to increased domestic violence were those in homes experiencing economic hardships as a result of the pandemic. Contrastingly, women who were able to maintain outside jobs during the pandemic were less likely to experience domestic violence; this is because (1) they were not confined to their homes for extended periods of time, and (2) their economic contributions gave them “bargaining power within the relationship”.<sup>52</sup>
59. In 2021, the Elimination of Sexual Violence Bill – first proposed in 2016 – was renamed the Sexual Violence Criminal Act Bill, thus removing the element of preventing sexual violence. Additionally, the bill reduced its recognized forms of sexual violence from nine to just four, eliminating the following: forced marriage, forced abortion, forced prostitution, sexual slavery, and sexual torture. Finally, the revised bill provides little to no protective measures or support systems to survivors of sexual violence<sup>53</sup>
60. The United Nations Development Programme (UNDP) and Abdul Latif Jameel Poverty Action Lab South East Asia (J-PAL SEA) conducted a survey of Indonesian citizens between October and November 2020 regarding the multitude of effects of the COVID-19 pandemic. 42% of respondents reported being victim to some form of GBV. Many reported that a determining factor of whether they experienced domestic violence in the home is whether they completed housework to their partners’ standards.<sup>54</sup>

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<sup>52</sup> Elizaveta Perova, Daniel Halim, & Diana J. Arango, [“Measuring and understanding gender-based violence in Indonesia amid the COVID-19 pandemic”](#), *World Bank Blogs*, 16 December 2020.

<sup>53</sup> Sharyn Davis, Alegra Wolter, & Dédé Oetomo, [“Questioning Intent: The Indonesian Government Is Not Committed to Eliminating Sexual Violence”](#), *Georgetown Journal of International Affairs*, 11 November 2021.

<sup>54</sup> Ranjit Jose & Suryo Utomo Tomi, [“UNDP, J-PAL SEA Report Reveals prevalent incidents of Gender Based Violence During COVID-19 Pandemic”](#), *United Nations Development Programme (UNDP) Indonesia*, 10 March 2021.

### **Recommendation(s)**

We urge the Republic of Indonesia to:

61. Punish all perpetrators of GBV/IPV/VAW;
62. Improve GBV/IPV/VAW evidence gathering and preservation, reporting and referral mechanisms, record-keeping, victim privacy management, and witness protection; expand criminal investigation capacities;
63. Establish and promote health services and psycho-social services tailored to treat survivors of GBV/IPV/VAW and encourage incident reporting among victims and witnesses.
64. Amend the Sexual Violence Criminal Act Bill by the next reporting period to ensure it includes forced abortion, sexual slavery, and sexual torture as recognized forms of sexual violence.

### **D. Violence against Children (VAC), Child Sexual Abuse (CSA), Child Neglect, & Other Rights Violations**

65. Within the past three years, violence against children (VAC) has increased dramatically, with a large portion involving sexual abuse. Between January and November 2021, there were no fewer than 12,556 cases of VAC, exhibiting a 13.56% increase since 2019. Moreover, approximately 45% of these cases (5,650 cases) involved sexual abuse. As was the case with violence against women (VAW), VAC has worsened tremendously during the pandemic as children that would typically be attending school have been confined to their homes with abusers.<sup>55</sup> Moreover, children have become increasingly vulnerable to sexual predators that they encounter while using the internet as form of escapism while being confined to the home.
66. A survey of 25,164 Indonesian children conducted by the National Child Protection Agency to observe trends in VAC during the pandemic revealed that 3% of respondents had been slapped, 4% kicked, 6% pushed, 10% physically beaten, 4% threatened, 4% humiliated, 3% bullied, and 2% kicked out of the house. There were a number of cases in which children had been beaten to death.<sup>56</sup>

### **Recommendation(s)**

We urge the Republic of Indonesia to:

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<sup>55</sup> Katharina R. Lestari, "[Indonesia reports steep rise in child abuse](#)", *Union of Catholic Asian News*, 9 December 2021.

<sup>56</sup> The Jakarta Post, "[Violence against children rampant at home during COVID-19, survey shows](#)", 21 November 2020.

67. Punish all perpetrators of VAC/CSA;
68. Develop an early detection mechanism for VAC and CSA; when necessary, engage in pre-emptive intervention and offer support and social services to children and families in situations of vulnerability (financial hardship, child abandonment, insecurity, pandemic stress) that aggrandize the risk of future VAC/CSA;

## **E. Commendations**

69. In mid-January 2022, Indonesian authorities convicted and sentenced to 15 years in prison Islamist militant Aris Sumarsono who had been withholding information from authorities about the 2002 Bali bombing that killed 200 individuals including mostly foreign nationals, as well as for harboring suspects of the attack for the past 18 years.<sup>57</sup>

### **Recommendation(s)**

We commend the Indonesian justice system for its conviction of Sumarsono, and we make the following additional recommendations:

70. Extend judicial accountability to other perpetrators and informants of the 2002 Bali bombing, including Jemaah Islamiyah leader Abu Bakar Bashir whose release in January 2022 despite his likely involvement in the terrorist attack.<sup>58</sup>
71. Utilize the justice system to similarly convict and sentence perpetrators of acts of violence and terror committed against religious minorities and their houses of worship, leaders, followers, etc.

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<sup>57</sup> The Hindu, "[Indonesian militant gets 15 years in jail over 2002 Bali bombings](#)", 19 January 2022.

<sup>58</sup> France 24, "[Indonesia frees radical cleric linked to 2002 Bali bombings](#)", 8 January 2021.