

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Indonesia: Freedom of association under threat

Amnesty International urges the Indonesian authorities to immediately revise the Law on Mass Organizations (*Undang-undang Organisasi Kemasyarakatan*) to bring it into line with international human rights law and standards. The organization is extremely concerned that the new law, which was passed on 2 July 2013, will restrict freedom of association, freedom of expression and freedom of thought, conscience and religion in Indonesia, stifle the work of human rights defenders as well as support discriminatory attitudes towards certain groups.

The law restricts the activities of organizations to eight limited purposes including maintaining the value of religion and belief in god; preserving and maintaining the norms, values, morals, ethics and culture; or establishing, maintaining, and strengthening the unity of the nation (Article 5). Moreover, the law does not include human rights, and organizations are required to “protect the unity and integrity of the Unitary Republic of Indonesia” (Article 21b). The law also curtails the activities of foreign organizations, which must obtain a permit from the Ministry of Foreign Affairs to operate. The activities of foreign organizations must not disrupt the “stability and oneness” of Indonesia, and they may not carry out “practical political activities” or fundraising or activities “which disrupt diplomatic ties” (Article 52).

Amnesty International believes that the law risks severely undermining the work of Indonesian and foreign human rights and other NGOs in the future by giving the authorities increased and excessive powers of scrutiny over their funding and activities. Further, the vaguely and widely worded restrictions in the law leave the door open for NGOs critical of the government’s human rights policies and practises to be suspended or shut down. It also leaves very little room for political activists to peacefully advocate referendums, independence or any other political solutions that do not involve incitement to discrimination, hostility or violence such as in Papua and Maluku. Both these areas have a history of pro-independence movements where peaceful political activism is already severely restricted.

According to Maina Kiai, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, “associations should be free to determine their statutes, structures and activities and to make decisions without State interference”. He further stated prior to the law’s adoption in February 2013 that “this legislative initiative runs contrary to the remarkable progress towards democratization Indonesia has made since the past decade, which has paved the way for a flourishing civil society”.

The Law on Mass Organizations imposes the requirement that the basic principles of any registered organization should not be at odds with *Pancasila* (Article 2), the official state philosophy which requires the belief “in the One and Only God”, a “just and civilized humanity”, “unity of Indonesia”, “democracy” and “social justice”. It also provides that the objective of an organization is to “preserve religious values and belief in God” and the law prohibits “abuse, blasphemy or defamation against any religion acknowledged in Indonesia” (Article 59.2). The officially recognized religions in Indonesia are Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism

These provisions are fundamentally incompatible with Indonesia’s international human rights obligations. In particular as a state party to the International Covenant on Civil and Political

Rights (ICCPR), Indonesia has a duty to respect and protect every person's rights to freedom of expression, freedom of association and freedom of thought, conscience and religion. These rights are also provided in Indonesia's Constitution.

As regards to provisions on "defamation of religion", Amnesty International and other international organizations have long expressed concerns about the incompatibility of Indonesia's legal provisions on "defamation of religion" with its international human rights obligations (see <http://www.amnesty.org/es/library/info/ASA21/002/2010/en>). Article 19(3) of the ICCPR only allows restrictions on the right to freedom of expression to be provided by law and when necessary "for the respect of the rights and reputations of others, for the protection of national security or public order, or of public health or morals", which does not include the protection of religions.

The law also bans the spreading of teachings and beliefs that are at odds with the *Pancasila* such as "Communism/Marxism-Leninism" and "atheism" (Article 59.4). The UN Special Rapporteur on freedom of religion or belief raised concerns in February 2013 that provisions in the law "can violate freedom of religion or belief which has a broad application, covering also non-theistic and atheistic convictions". It is also very concerning that "Communism/Marxism-Leninism" continues to be effectively banned at a time when the National Human Rights Commission has found evidence of serious human rights violations, which may amount to crimes against humanity, committed by the authorities against members of the Indonesian Communist Party (*Partai Komunis Indonesia*, PKI) and suspected communist sympathizers in particular between 1965 and 1966. Many victims and their families continue to face discrimination and have waited for over four decades for access to justice, truth and reparation, and for the state to acknowledge what happened to them.

Human rights groups have protested strongly against the Law on Mass Organizations which they believe could be used to target those critical of the government, including human rights defenders and peaceful political activists and allow the government to control and restrict the activities and funding of local and foreign organizations including those related to minority religious groups. They are planning to file a judicial review of the Law before the Constitutional Court at the earliest opportunity.