

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

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RESPONSE

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Information was found to indicate that honour killings – those that are commonly associated with tribal cultures of the Middle East, Near East and South Asia – rarely occur in Indonesia. No reports of women being killed by family members in Indonesia, as a result of an interfaith relationship, were located within the time available to complete this response. Instances of women being sentenced to caning or whipping, for alleged immoral crimes, have been reported in Aceh since the establishment of Sharia court. Information was found to suggest that interfaith marriages are problematic for some couples; often experiencing ostracism and public taunts. However, reports were also found that suggest some couples in interfaith relationships/marriages live harmoniously, once overcoming initial negative attitudes from family. A number of reports appear below that discuss societal attitudes towards interfaith relationships/marriages which may be of relevance (for information on Sharia court sentences in Aceh see: 'WLUML to campaign against stoning and honour killings' 2007, International Campaign Against Honour Killings website, 16 November <http://www.stophonourkillings.com/?name=News&file=print&sid=2184> – Accessed 20 February 2008 – Attachment 1).

Information on police protection in relation to domestic disputes in Indonesia also appears below under the subheading Police Protection.

The following articles, predominantly published by the *Jakarta Post*, illustrate the situation for various couples who have entered in to interfaith relationships/marriages in Indonesia. They appear in reverse chronological order.

In June 2005, the *Jakarta Post* published an article describing the experiences of two interfaith couples living in Indonesia. The pertinent extracts follow in detail.

“We yelled too much back then – at my parents, at his parents, at each other. My sister even slapped me once for being with him,” Risma said, recalling the trying months she went through on the receiving end of her family’s wrath.

The couple defied perhaps every rule of courtship this community holds too close and too dear: Risma is a Batak and Christian now happily married to her Javanese, Muslim husband.

The unwritten, yet obvious, rules of engagement are not that a Batak cannot get married to a Javanese or a Muslim, and vice-versa. Rather, it is that one must not get romantically involved with someone of a different background -- ethnic, religious or even someone with a different nationality.

The article continues; illustrating the situation for the second couple interviewed:

...A daughter of a conservative Muslim cleric, perhaps Lina had seen it coming that her family would stand in her way when she decided to marry a foreigner -- and a Catholic.

“For my dad, it was the religion factor. My other relatives seemed to fan the flames even more saying things like, the guy won’t marry you because he’s just having fun”, or “even if he did, it won’t last long”. But I didn’t falter,” she said.

The couple finally tied the knot in 1998 after English converted to Islam.

“It was like the key to everything. My dad said I could be with anyone as long as he’s of the same faith. Fortunately, Thomas agreed and became a Muslim,” Lina said.

The marriage did not automatically dispel all problems. Negative reactions from most people -- even strangers -- and her family’s constant doubts still prevail, even as she spoke (Hotland, T. 2005, ‘Cliche or not, mixed couples show that love conquers all’, *Jakarta Post*, 13 February – Attachment 2).

On 23 December 2001, the *Jakarta Post* published two articles addressing societal and family attitudes towards interfaith marriages. The couples who were reportedly interviewed discuss their respective families’ initial displeasure with their interfaith relationships. However, in the case of one couple, their families’ gave approval for marriage on the condition that each did not convert:

Their families at first opposed their relationship, but they finally gave permission for them to wed, as long as Siska and Reza did not convert.

But they find themselves in legal limbo when it comes to marrying.

Under Law No. 1/1974 on matrimony, a marriage is only legal when it is conducted according to one faith or religion.

“If we get married at the religious affairs office (for Muslim unions), I have to state that I convert to Islam. That means pretending, and it’s like playing games. I don’t want to do that,” Siska said.

Marrying out of one’s religion is one of the most sensitive issues in Indonesian society and a nightmare for most families, with the assumption by others that parents did not bring up their children “properly”. Most young people rule out dating someone of another religion because of the potential social and legal pitfalls if they do fall in love and want to marry.

Still, many interfaith couples have set up home together, including such famous unions as actress Lydia Kandou and singer Jamal Mirdad (‘Marrying ‘out’ – A leap of faith’ 2001, *Jakarta Post*, 23 December – Attachment 3).

The second article, also published on 23 December 2001 by the *Jakarta Post*, describes the alleged ostracism faced by the couple and instances of their children “suffer[ing] from verbal, emotional and even physical abuse at school”:

But an interfaith marriage has been a risky and fragile human relationship for me. Problems occurred during the prenuptial relations, the wedding ceremony, the birth of children and presumably might continue until death. Forget about marrying someone of another religion in Indonesia if you are not a patient, tolerant and understanding person.

And, in Indonesia, marriage not only involves the two people who say their vows, but also their families, society and even the state as well!

I have to admit that our first years of marriage were hell. I was ostracized from most of my extended family. We were not allowed to be participate with them during the Idul Fitri celebrations or any other family gatherings. On my husband’s side of the family, I was also considered “a Javanese girl” and thus an outsider.

My children also suffered from verbal, emotional and even physical abuse at school and in the neighborhood when others found out about their parents’ different religions.

“Is it right that if Papa dies, he will go to hell?” asked another one of my sons, repeating what someone said to him. I was chilled to the bone (‘Can love overcome religion in Indonesia?’ 2001, *Jakarta Post*, 23 December – Attachment 4).

According to the Pluralism Project at Harvard University:

In June 2005 Majelis Ulama Indonesia (MUI or the Indonesian Ulama Council) issued eleven fatwas (religious edicts), including one against religious pluralism. Also outlawed were interfaith prayers, **interfaith marriages** [researcher emphasis], secularism, liberal Islam, and the Ahmadiyya sect. The fatwas provoked great criticism from Indonesian and international leaders, as well as support in some areas of the country (‘International Portrait: Indonesia (2007)’ 2007, The Pluralism Project website, 24 May <http://www.pluralism.org/research/profiles/display.php?profile=74595> – Accessed 20 February 2008 – Attachment 5).

The US Department of State's 2007 report on religious freedom in Indonesia provides the following information on the obstacles faced by couples of interfaith relationships attempting to get married and subsequently have their marriage officially registered:

Men and women of different religions continued to face obstacles to marrying and officially registering their marriages. Such couples had difficulty finding a religious official willing to perform an interfaith marriage ceremony; a religious ceremony is required before a marriage can be registered. As a result, some persons converted in order to marry. Others traveled overseas, where they wed and then registered the marriage at an Indonesian Embassy. Despite being among the officially recognized faiths, Hindus stated that they frequently had to travel long distances to have their marriages registered, because in many rural areas the local government could not or would not perform the registration (US Department of State 2007, *International Religious Freedom Report for 2007 – Indonesia*, 14 September – Attachment 6).

Police Protection

Information has been provided discussing police protection in the context of domestic disputes. Though the information primarily discusses domestic violence between partners, it was deemed relevant due to the reference to family disputes. No further information on police protection in the case of a woman fearing violence from other family members were located within the time available to complete this response.

According to a 2006 report published by the Asian Development Bank:

Acts of violence against women (VAW) have become a major concern in Indonesia, especially during the reform period of the last three to four years. There are many factors influencing this phenomenon. Strong cultural values and religious beliefs often condone violence, particularly domestic violence. **There is still little acceptance that domestic violence is a crime and a violation of woman's human rights. Consequently, police and others are reluctant to get involved in such cases, and many victims would rather conceal such crimes due to feelings of shame.** The economic and political crises during this time have brought a number of tensions to the surface in Indonesian society, resulting in increasing numbers of violent crimes against women, including rape, sexual harassment and abuse both within and outside the home. On top of this, the general crisis in law and order observed in many parts of Indonesia has dramatically reduced the legal and police protection provided to women. In recognition of such problems, the national government recently announced a policy of 'zero tolerance' of violence against women. This concept is to be accompanied by educational programs, public awareness campaigns and legislative reform to combat all forms of violence against women ('Workshop on Violence Against Women for Grassroots Women Groups, Centre for Women's Resources Development – PPSW' 2006, Asian Development Bank <http://www.adb.org/gender/working/ino002.asp> – Accessed 14 February 2008 – Attachment 7).

Extracts from a 2007 Response to Information Requests (RIRs) by the Immigration and Refugee Board of Canada state the following in relation to the underreporting of domestic violence incidents:

On 14 September 2004, Indonesia enacted a law against domestic violence (Jakarta Post 17 Dec. 2004; see also AFP 27 Nov. 2006). The new law reportedly defines domestic violence as including physical, psychological and sexual violence, as well as economic abandonment (Jakarta Post 16 Apr. 2006). According to a 17 December 2004 article in the Jakarta Post, Indonesia's largest English-language newspaper (ibid. n.d.), **the domestic violence law is intended to**

provide protection to spouses, children and relatives, as well as domestic workers or other persons working or living within the domestic environment [researcher emphasis]...

According to Amnesty International (AI), however, women's organizations in Indonesia are concerned that the country's domestic violence law is not being properly implemented (23 Apr. 2006). In its 2006 annual report, AI states that

[i]n November [2005], the commission on violence against women reported that the Law had not contributed to reducing the high number of domestic violence cases, and that the lack of clarity of the definitions and regulations pertaining to the Law hampered full enforcement by local police and judges (23 Apr. 2006).

...News and human rights sources consulted indicate that domestic violence against women in Indonesia is underreported (*Jakarta Post* 9 Dec. 2006; *ibid.* 23 Dec. 2005; *ibid.* 17 Dec. 2004; US 8 Mar. 2006, Sec. 5). **Many women are unwilling to make reports against abusive husbands because of the social stigma associated with domestic violence** (*Jakarta Post* 16 Apr. 2006; *ibid.* 17 Dec. 2004), **and because of economic dependence on their husbands** (*ibid.* 16 Apr. 2006). According to a 17 December 2004 *Jakarta Post* article, another factor contributing to this underreporting of domestic abuse in Indonesia is the limitations of the services available to victims in the country (Immigration and Refugee Board of Canada 2007, *IDN102179.E – Indonesia: Protection, services and legal recourse available to women who are victims of domestic violence (2005 – 2006)*, 15 February – Attachment 8).

List of Sources Consulted

Internet Sources:

Search Engines

Google search engine <http://www.google.com.au/>

Google Scholar search engine <http://scholar.google.com.au/schhp?ie=UTF-8&hl=en&tab=ws>

Government Information & Reports

Immigration and Refugee Board of Canada http://www.irb-cisr.gc.ca/cgi-bin/foliocgi.exe/refinfo_e

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

Non-Government Organisations

Amnesty International <http://www.amnesty.org/>

Human Rights Watch <http://www.hrw.org/>

Databases:

FACTIVA (news database)

ISYS (RRT Research and Information Service Database)

BACIS (DIAC Country Information Database)

List of Attachments

1. 'WLUML to campaign against stoning and honour killings' 2007, International Campaign Against Honour Killings website, 16 November <http://www.stophonourkillings.com/?name=News&file=print&sid=2184> – Accessed 20 February 2008.
2. Hotland, T. 2005, 'Cliche or not, mixed couples show that love conquers all', *Jakarta Post*, 13 February. (FACTIVA)

3. 'Marrying 'out' – A leap of faith' 2001, *Jakarta Post*, 23 December. (FACTIVA)
4. 'Can love overcome religion in Indonesia?' 2001, *Jakarta Post*, 23 December. (FACTIVA)
5. 'International Portrait: Indonesia (2007)' 2007, The Pluralism Project website, 24 May <http://www.pluralism.org/research/profiles/display.php?profile=74595> – Accessed 20 February 2008.
6. US Department of State 2007, *International Religious Freedom Report for 2007 – Indonesia*, 14 September.
7. 'Workshop on Violence Against Women for Grassroots Women Groups, Centre for Women's Resources Development – PPSW' 2006, Asian Development Bank <http://www.adb.org/gender/working/ino002.asp> – Accessed 14 February 2008.
8. Immigration and Refugee Board of Canada 2007, *IDN102179.E – Indonesia: Protection, services and legal recourse available to women who are victims of domestic violence (2005 – 2006)*, 15 February. (REFINFO)