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Indonesia and attacks on minorities

Greens/EFA motion for resolution

The European Parliament,

- having regard to European Parliament resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union's policy on the matter,

- having regard the Indonesia's election to the United Nations Human Rights Council in May 2011, which requires members to uphold the highest standards in the promotion and protection of human rights

- having regard to Indonesia's chairmanship of ASEAN

- having regard to the International Covenant on Civil and Political Rights, which Indonesia ratified in 2006

- having regard to Chapter 29 of the Constitution of Indonesia which guarantees freedom of religion

- having regard to Articles 156 and 156 (a) of Indonesia’s Criminal Code prohibiting blasphemy, heresy and religious defamation

- having regard to the Presidential Decree No. 1/PNPS/1965 on the Prevention of Blasphemy and Abuse of Religions which prohibits “deviant interpretation” of religious teachings

- having regard to the EU Statement on the recent attack and killings of Ahmadis in Banten of 8 February 2011

- having regard to the letter by United Nations High Commissioner for Human Rights to the Foreign Minister of Indonesia of 26 April 2011, expressing concern at the violations of religious freedom which “put at risk the human rights guaranteed in Indonesia’s Constitution, including the prohibition of discrimination and the right to freedom of religion and expression”, and called for a review of all laws, particularly those restricting religious expression and practice, “to ensure they comply” with standards set out in the Constitution and in the International Covenant on Civil and Political Rights, and recommended that Indonesia invite the UN Special Rapporteur for freedom of religion or belief to visit the country,

- having regard to report of the Indonesian Commission for Missing Persons and Victims of Violence

(Kontras) of June 2011 documenting the use of torture by the Indonesian security forces

- having regard to the degree issued by the health ministry in November 2010, authorising certain medical professionals to carry out female genital "circumcisions" on baby girls

- having regard to Rule 122 of its Rules of Procedure,

A. Whereas there are credible reports of human rights violations by the security forces in Indonesia, including torture and other ill-treatment and the unnecessary and excessive use of force. Whereas there are often no independent investigations into allegations of human rights violations and those responsible are rarely brought to account before an independent court

B. Whereas in recent years, there have been a number of cases of intimidation and attacks against human rights defenders and journalists, notably in Papua and Maluku Islands where international human rights observers, non-governmental organizations and journalists are severely restricted in their work,

C. Whereas prisoner of conscience Filep Karma is serving a 15-year prison sentence for taking part in a peaceful ceremony in Papua, where the prohibited pro-independence “Morning Star” flag was raised and whereas 21 men are serving prison sentences of between nine months and three years for planning peaceful political activities in the province of Maluku in August 2010

D. Whereas on 6 June 2011 the trial against five activists, all university students, began who were arrested while taking part in peaceful march on 14 December 2010 protesting against injustice and human rights violations by the Indonesian security forces against Papuans

E. Whereas Yones Douw, a human rights activist in the Indonesian province of Papua, was beaten by military officers on 15 June and has been denied medical treatment; whereas he has already previously been detained and assaulted as a result of his human rights activities

F. Whereas three soldiers who had been filmed kicking and abusing Papuans were sentenced by a Military Court to between eight and 10 months’ imprisonment for disobeying orders in January 2011, however the fact that the victims were not able to testify because of the lack of adequate safety guarantees raised serious concerns about the trial process

G. Whereas Indonesia is the world’s largest Muslim-majority nation and whereas Indonesia’s tradition of pluralism, cultural harmony, religious freedom and social justice, as enshrined in the states ideology 'Pancasila’ is increasingly under threat from radical Islamist organisations

H. Whereas human rights organisations have recorded a significant increase in incidents of harassment, intimidation, discrimination and violence against religious minorities, particularly against Ahmadis, who consider themselves Muslims, Christians, Buddhists, as well as against progressive Muslim civil society organisations

I. Whereas in February 6, a mob of 1,500 people attacked 20 members of the Ahmadiyah community in Cikeusik district, Banten province. Three Ahmadis were killed and five were seriously wounded in the attack,

J. Whereas after a fatwa by the Majelis Ulama Indonesia (MUI), the Council of Indonesian Ulama, in 2005 described Ahmadi Muslims as 'apostates' and 'heretics', a joint ministerial decree was adopted by the ministers of religious affairs, internal affairs and the attorney general in 2008 banning the dissemination of Ahmadi Muslim teachings; Whereas the Minister for Religious Affairs has repeatedly called for a total ban on the Ahmadiyya Muslim community which has already been enacted by three provinces, West Java,

South Sulawesi and West Sumatra; Whereas on 6 February 2011, a mob of at least 1,500 attacked 20 Ahmadi Muslims in Cikeusik, Banten province, killing three and severely injuring others, prompting a call by the President of Indonesia for an investigation.

K. Whereas over 150 individuals have already been arrested or detained under Article 156 and 156 (a) of the Indonesian Criminal Code and whereas evidence shows that the blasphemy, heresy and religious defamation laws are being used by extremists to clamp down on religious freedom, and to stir intercommunity tensions and violence

L. Whereas there are an estimated 124 Shari'a by-laws in various parts of the country, notably Aceh, West Java and South Sulawesi, which result in infringements of women's rights, religious freedom and other human rights.

M. Whereas on 19 April 2010 the Constitutional Court ruled to uphold the blasphemy and heresy laws and to reject the request for repeal, which had been submitted by four prominent Islamic scholars and at least seven Indonesian civil society and human rights organisations, and supported by at least 40 other organisations

N. Whereas minority religious congregations are experiencing increasing difficulty obtaining permission to construct places of worship,

1. Welcomes the joint statement on 24 May 2011 by the President, the Speaker of the House of Representatives, the Speaker of the Regional Representatives Council, the Speaker of the People's Consultative Assembly, the Supreme Court chief justice, the Constitutional Court chief justice and other senior officials calling for a revival of the state ideology 'Pancasila' and for the protection of pluralism

2. Strongly underlines the great progress Indonesia has achieved on the implementation of democracy and the rule of law in recent years

3. Applauds Indonesia's pledges ahead of its election to the UN Human Rights Council on May 20, 2011 including the ratification of core human rights treaties, notably the International Convention for the Protection of All Persons from Enforced Disappearance

4. Recalls the rights to freedom of expression, opinion and peaceful assembly are guaranteed under the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party, as well as the Indonesian Constitution

5. Applauds the work of Indonesian civil society, including Muslim, Christian and secular think-tanks, human rights organisations and counter-extremism organisations, in promoting pluralism, religious freedom, religious harmony and human rights

6. Appeals to the authorities to ensure that all members of the police and military are made aware of the legitimate role of human rights defenders and their responsibility to protect them, as set out in the UN Declaration on Human Rights Defenders

7. Calls on the Indonesian authorities to ensure prompt, independent and impartial investigations into all credible allegations of human rights violations by the security forces and to prosecute those found responsible, including persons with command responsibility, in proceedings which meet international standards of fairness, and victims provided with reparations

8. Believes that civilian courts are much more likely to ensure both prosecution for crimes involving human rights violations and protection for witnesses than the military system, which is unlikely to be

impartial and independent.

9. Expresses its grave concern about incidents of violence against religious minorities, particularly Ahmadi Muslims, Christians, Baha'ís and Buddhists

10. Calls on the Government of Indonesia to guarantee that the rule of law is implemented and upheld, that religious minorities and victims of violence are provided full protection, and that the perpetrators of religious violence and hatred are brought to justice

11. Expresses its particular concern over the statements made by the Ministry for Religious Affairs and over complicity of state institutions in acts of religious persecution; believes that if the Government is serious about its human rights commitments all its ministries should protect and promote the freedom of expression and worship

12. Expresses its deep concern over the blasphemy, heresy and religious defamation laws which are open to misuse, as well as the 2008 Joint Ministerial Decree prohibiting the dissemination of Ahmadiyya Muslim teachings and calls upon the Government of Indonesia to repeal or revise them

13. Urges the Government of Indonesia to stop funding and direct or indirect involvement in religious organisations such as the MUI which issue decrees and religious declarations which violate freedom of religion or belief

14. Expresses its opposition to female genital "circumcision", considers it as an act of mutilation which should be outlawed worldwide and appeals to the Indonesian government to withdraw its decree as it is in violation of several Indonesian laws on human rights, child protection and discrimination against women

15. Calls upon the Government of Indonesia to invite the UN Special Rapporteur for freedom of religion or belief to visit the country and to conduct an independent investigation into violations of religious freedom.

16. Calls on the Government of Indonesia to engage in a genuine dialogue process with representatives of the Papuan people, as proposed by church leaders and others in West Papua.

17. Appeals to the Indonesian authorities to conduct a full investigation into all those involved in the deadly February 2011 attacks on the Ahmadiyah community in western Java and calls on the Judiciary Commission of Indonesia to send representatives to monitor the trials of those charged in order to ensure justice is done for all parties involved

18. Urges the immediate and unconditional release of all prisoners of conscience, arrested and charged merely for their involvement in peaceful political protest and flag-raising; appeals to the Indonesian authorities to withdraw the 2007 government regulation that bans the display of regional flags which is contrary to the spirit of the 2001 Special Autonomy Law that granted Papuans, Maluku and other ethnic and religious minorities the right to express their cultural identity

19. Calls on the Member States, the Council and Commission to raise the violations of religious freedom with the Government of Indonesia and to urge the Government of Indonesia to repeal or revise discriminatory laws and decrees

20. Calls on the Member States, the Council and Commission to increase engagement with the Government of Indonesia on counter-extremism initiatives

21. Calls on the Member States and the Commission to support Indonesian civil society organisations and

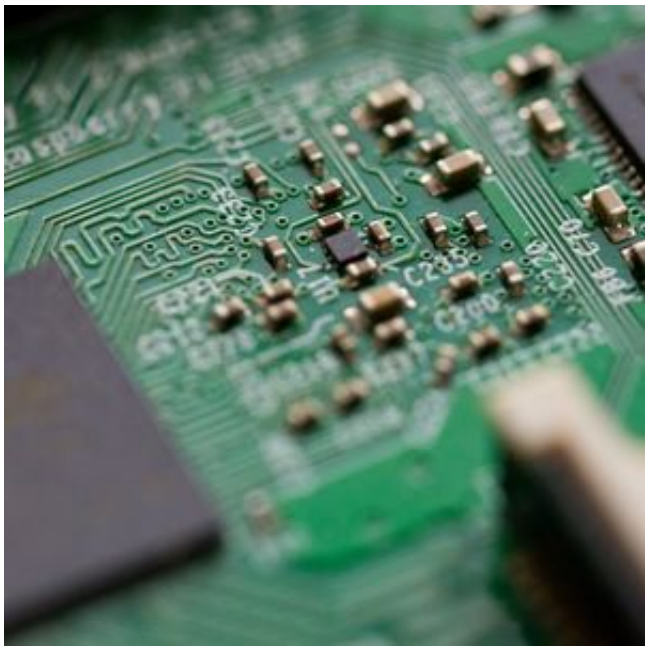
human rights organisations who are actively promoting democracy, tolerance and peaceful co-existence of different ethnic and religious communities

23. Instructs its President to forward this resolution to the Government and Parliament of Indonesia, the EU High Representative, the Commission, the parliaments and governments of the Member States, the ASEAN Intergovernmental Commission on Human Rights and the UN Human Rights Council.

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Responsible MEPs



Barbara Lochbihler

Member

Contact person



Sabine Meyer

Advisor on Foreign Affairs

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