

*To: The Tandem Project International List Serve
From: The Tandem Project*

This is an **update** of The Tandem Project Issue Statement, November 2007 in advance of the Indonesia Universal Review (UPR). The Indonesia UPR (A/HRC/WG.6/1/IDN/1/2/3) and the debate was held **Wednesday 9 April** on the floor of the Human Rights Council (HRC). The UPR is an important new United Nations Human Rights Council review. All U.N. Member States will report and receive reviews by the HRC over the next two years. Indonesia's report was generally positive. They have a national human rights institute and action plan and promised an effort at compliance with all universal human rights instruments at national and local governmental levels while mindful of their cultural values. The HRC asked questions and made a series of **recommendations** on the court system, terrorism, torture; human rights for women, children and religion among other issues. The **test** of the UPR process will be in the follow-up. What change will happen in Indonesia in the four years before they have another UPR review? What **process** is in place for open and transparent monitoring of the follow-up by other Member States, NGO's and civil society? The Oslo Coalition Indonesia Project, <http://www.oslocoalition.org>, (see their website) has announced an Indonesia conference and dialogue in 2008. Whether the Indonesia UPR will be part of the program is not certain. The **Oslo Coalition** is an academic project, not an NGO advocating political change.

The Amadiyah, a minority religious group in Indonesia, has its own interpretation of Islam. They have 200,000 members in 24 branches throughout the country. A ban on the Amadiyah is now seriously considered by the national Government under Mr. Yudhoyono. In this weeks issue of *The Economist*, www.economist.com., April 28-May 2, 2008, page 59, an article titled "The Bully Pulpit" addresses the potential ban: "The outside world – which has so far seen Mr. Yudhoyono, as a democrat, a reformist and a leader of moderate Islam – might indeed make clear to him that giving in to the bullies and **repressing** a peaceable religion would have unfortunate consequences."

THE TANDEM PROJECT
<http://www.tandemproject.com>.

**UNITED NATIONS, HUMAN RIGHTS,
FREEDOM OF RELIGION OR BELIEF**

INDONESIA

**FREEDOM OF RELIGION OR BELIEF
AND UNIVERSAL PERIODIC REVIEW**

Issue: Indonesia Bans Sects It Deems Blasphemous – a Question of Religious Freedom

For: United Nations, Governments, Religions or Beliefs, Academia, NGOs, Media, Civil Society

Review: *Indonesia Bans Sects It Deems Blasphemous*, by Peter Gelling, New York Times, is an article filed from Jakarta on 16 November 2007. This article comes at a time when Indonesia is about to undergo a review by the UN Human Rights Council in a new procedure called the **Universal Periodic Review** (UPR). Under this process, recently approved by the UN General Assembly, all UN member states will be reviewed by the UN Human Rights Council between 2008 and 2011. Indonesia, as a member of the UN Human Rights Council, will be one of the first 47 countries reviewed in the first round 7-18 April 2008.

Indonesia Bans Sects It Deems Blasphemous may be a resource for the **Indonesia UPR** process to consider the **difference** between Indonesia national laws and international human rights standards on freedom of religion or belief; **on issues** such as proselytism, blasphemy, apostasy, choice of a religion or belief, recognition of minority religions or beliefs. The UPR process is an opportunity to discuss the complexity and sensitivity of these issues as a **cooperative mechanism** for dialogue, without blame or accusations, between the concerned country, the UN Human Rights Council, UN Office of High Commissioner for Human Rights, NGOs and other stakeholders. The New York Times article is published in bold in full on the next page of this Issue Statement.

Extracts from the New York Times article, *Indonesia Bans Sects It Deems Blasphemous*, begin on page 3 followed by an Issue Statement

International Standards for National and Local Applications

Objective: Build understanding and support for Article 18, International Covenant on Civil and Political Rights –Everyone shall have the right to freedom of thought, conscience and religion - and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Encourage the United Nations, Governments, Religions or Beliefs, Academia, NGOs, Media and Civil Society to use international human rights standards as essential for *long-term solutions* to conflicts based on religion or belief.

Challenge: In 1968 the United Nations deferred work on an International Convention on the Elimination of all Forms of Religious Intolerance, because of its apparent complexity and sensitivity. In the twenty-first century, a dramatic increase of intolerance and discrimination on grounds of religion or belief is motivating a worldwide search to find solutions to these problems. This is a challenge calling for enhanced dialogue by States and others; including consideration of an International Convention on Freedom of Religion or Belief for protection of and accountability by all religions or beliefs. The tensions in today's world inspire a question such as:

- Should the United Nations adopt an International Convention on Freedom of Religion or Belief?

Response: Is it the appropriate moment to reinitiate the drafting of a legally binding international convention on freedom of religion or belief? Law making of this nature requires a minimum consensus and an environment that appeals to reason rather than emotions. At the same time we are on a learning curve as the various dimensions of the Declaration are being explored. Many academics have produced voluminous books on these questions but more ground has to be prepared before setting up of a UN working group on drafting a convention. In my opinion, we should not try to rush the elaboration of a Convention on Freedom of Religion or Belief, especially not in times of high tensions and unpreparedness. - *UN Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, Prague 25 Year Anniversary Commemoration of the 1981 UN Declaration, 25 November 2006.*

Option: After forty years this may be the time, however complex and sensitive, for the United Nations Human Rights Council to appoint an Open-ended Working Group to draft a United Nations Convention on Freedom of Religion or Belief. The mandate for an Open-ended Working Group ought to assure nothing in a draft Convention will be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. One writer has said; “Religion raises the stakes of human conflict much higher than tribalism, racism, or politics ever can...it casts the differences between people in terms of eternal rewards and punishments.”

Concept: *Separation of Religion or Belief and State – SOROBAS.* The starting point for this concept is the First Preamble to the 1948 United Nations Universal Declaration of Human Rights; “*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.* It suggests States recalling their history, culture and constitution adopt fair and equal human rights protection for all religions or beliefs as described in General

Comment 22 on Article 18, International Covenant on Civil and Political Rights, UN Human Rights Committee, 20 July 1993 (CCPR/C/21/Rev.1/Add.4):

- **Article 18:** protects *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.* The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with international characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reasons, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community. **Article 18:** permits restrictions to manifest a religion or belief only if such limitations are prescribed by law and necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Education & Dialogue

Dialogue: United Nations Secretary General Ban Ki Moon, at a UN backed Alliance of Civilizations Forum in January 2008 addressed the importance of dialogue; “Never in our lifetime has there been a more desperate need for **constructive** and **committed** dialogue, among individuals, among communities, among cultures, among and between nations.” A writer in another setting said, “The warning signs are clear: unless we establish **genuine** dialogue within and among all kinds of belief, ranging from religious fundamentalism to secular dogmatism, the conflicts of the future will probably be even more deadly.” Solutions to conflicts over religious or philosophical ideology call for dialogue on the **purpose** of international law on freedom of religion or belief; and the **value** of these standards for regional, national and local applications.

Education: Ambassador Piet de Klerk addressed the Prague twenty-five year anniversary commemoration of the 1981 UN Declaration; “Our educational systems need to provide children with a broad orientation: from the very beginning, children should be taught that their own religion is one out of many and that it is a personal choice for everyone to adhere to the religion or belief by which he or she feels most inspired, or to adhere to no religion or belief at all.” Parents are a key to this application. The 1981 UN Declaration states; “Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents, the best interests of the child being the guiding principle.”

Extracts: Extracts are presented under the Eight Articles of the 1981 U.N. Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief. Examples of extracts are presented prior to an *Issue Statement* for each Review.

The attached documents are past Issue Statements that may be used as **reference sources** for consideration of Indonesia’s UPR compliance with Article 18, International Covenant on Civil and Political Rights – Freedom of Religion or Belief and the 1981 UN Declaration. They are: *Indonesia – Teaching for Tolerance on Freedom of Religion or Belief; Indonesia – Proselytism and Human Rights: The Right to Try to Convince the Other; OHCHR-OIC Memorandum of Understanding on Technical Cooperation in the Field of Human Rights; Cairo Declaration on Human Rights in Islam; Indonesia – Urgent Appeal: Freedom of Religion or Belief – Framework for Communications.* The New York Times article is printed here in bold print under relevant articles of the 1981 UN Declaration:

1. 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, practices and teaching.

1. 3 Freedom to manifest one’s religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, morals or the fundamental rights and freedoms of others.

7. 1 *The rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice.*

JAKARTA, Indonesia, Nov. 15 – Indonesian human rights lawyers are again questioning the country's commitment to religious freedom after the recent arrests of several orthodox Islamic leaders and the banning of their organizations.

On Nov. 9, the Indonesian Supreme Court sentenced Abdul Rachman, who claims to be the reincarnation of the Prophet Muhammad and is the No. 2 leader of a religious group known as Lia Eden, to three years in prison for blasphemy. The day before, the attorney general banned a sect led by a man claiming to be the next prophet of Islam.

Although Indonesia's Constitution explicitly guarantees freedom of religion, the government extends this protection to only six officially recognized faiths: Islam, Roman Catholicism, Protestantism, Hinduism, Buddhism and Confucianism.

Various laws and edicts prohibit blasphemy, heresy, proselytizing and apostasy. In practice, they are applied primarily to perceived offenses against mainstream Islam. Nearly 90 percent of Indonesia's 240 million people are Muslims.

Last week the attorney general's office said it would continue to pursue legal action against Ahmad Moshaddeq, the leader of an Islamic sect known as Al Qiyada, on blasphemy charges, even after he declared that he had realized his teachings were misguided and would return to mainstream Islam.

The attorney general's office banned Al Qiyada on Nov. 8, Mr. Moshaddeq, whose house was burned down this year by a mob, had said that he was the next Muslim prophet and did not require his followers to pray five times a day or toward Mecca. A central tenet of Islam is that Muhammad was the final prophet.

Several of Mr. Moshaddeq's followers remain in custody. "We want to reform the penal code, especially articles on banning sects for blasphemy," said Uli Parulian Sihombing, a human rights lawyer who has often defended religious groups. "These people are nonviolent and peaceful. These laws are simply a justification for the government to intervene on issues of faith." - *Indonesia Bans Sects It Deems Blasphemous*, Peter Gelling, New York Times, 16 November 2007.

ISSUE STATEMENT: The Tandem Project focus is on Article 18 of the International Covenant on Civil and Political Rights – Everyone shall have a right to freedom of religion or belief, and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The UPR review “shall be a cooperative mechanism, based on interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of treaty bodies...according to the guidelines published under Human Right Council in Resolution 5/1 of 18 June 2007. Indonesia is a signatory to the International Covenant on Civil and Political Rights. Here are three extracts of international human rights norms under Article 18 of the International Covenant on Civil and Political Rights:

- The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. Therefore the United Nations Human Rights Committee views with concern any tendency to

discriminate against any religion or belief for any reasons, including the fact that they are newly established, or represent religious minorities that may be the subject of hostilities by a predominant religious community - *General Comment 22 on Article 18, United Nations Human Rights Committee, 1993.*

- The concept of morals derives from many social, philosophical and religious traditions; consequently, limitations on the freedom to manifest a religion or belief for the purpose of protecting morals must be based on principles not deriving from a single tradition. - *General Comment 22 on Article 18, United Nations Human Rights Committee.*
- Article 18 protects *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.* - General Comment 22 on Article 18, United Nations Human Rights Committee, 1993.

Indonesia has laws against apostasy, proselytism and blasphemy. As a signatory to the International Covenant on Civil and Political Rights (ICCPR) – Indonesia must defend such laws under Article 1.3 of the ICCPR, *Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, morals or the fundamental rights and freedoms of others.* The Tandem Project has seven attached documents, past Issue Statements, for consideration during the Indonesia UPR that reflects the **complexity** and **sensitivity** of these issues under International Standards on Freedom of Religion or Belief. Here is a summary of The Tandem Project attached Issue Statements:

1. *Teaching for Tolerance in the Indonesian Context* - an Oslo Coalition on Freedom of Religion or Belief project, is a follow-up to the UN sponsored Madrid Conference in 2001 on the twenty year anniversary of the 1981 UN Declaration. It is described on The Oslo Coalition website, <http://www.oslocoalition.org>. In January 2007 a workshop was held in cooperation with the Alauddin State Islamic University in Makassar, Indonesia. The Oslo Coalition website describes declares, “One of the greatest challenges in Indonesia today is the education of children and youth to a multicultural globalised world. Where people with different cultural and religious identity study together there is a great need for analysis and critical self reflection.” This project includes field work research on Hindu-Balinese minority on Lombok and work with Interfidei, the Institute for Inter-faith Dialogue in Indonesia, <http://www.interfidei.or.id/> - *The Tandem Project, a File Attachment.*
2. *Facilitating Freedom of Religion or Belief: a Deskbook.* This is a book originally commissioned to publish the papers of the 1998 Oslo Conference on Freedom of Religion or Belief. It expanded to a 1,000 page “historical and philosophical background on religious human rights, detailed analysis of applicable international norms and international procedural mechanisms for safeguarding these norms.” Part V on *Changing Beliefs and the Tensions of Tolerance;* provide analysis on cults, sects, proselytism and apostasy that will be helpful to an analysis of the New York Times article, *Indonesia Bans Sects It Deems Blasphemous* in the context of the Indonesia UPR. In 2007 course modules are being developed. An Indonesian translation of the Deskbook is being proofed for publication. - *The Tandem Project, a File Attachment.*
3. *Proselytism and Human Rights: The Right to Try to Convince the Other-* an excellent best practices on how to breakout the Eight Articles of the 1981 UN Declaration for analysis in an Indonesian context of the right of proselytism. This Project, now named *Missionary Activity and Human Rights*, involves respectful discussion in both a Christian and a Muslim context that is applicable in many countries. The aim of this project is to contribute, on the basis of human rights, to the resolution of conflicts arising from missionary activities.” - *The Tandem Project, a*

File Attachment.

4. *Indonesia – Urgent Appeal: Freedom of Religion or Belief – Framework for Communications;* is The Tandem Project Issue Statement on the U.N. Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, Summary of cases to Governments and Replies on 8 March 2007 (A/HRC/4/21/Add.1). This Issue Statement also includes a new on-line digest by the UN Special Rapporteur on Freedom of Religion or Belief as a Framework for Communications. This Framework is available on-line under International Standards in the UN Special Rapporteur on Freedom of Religion or Belief Documents. - *The Tandem Project, a File Attachment.*

<http://www.ohchr.org/english/issues/religion/standards.htm>

5. *OHCHR-OIC Memorandum of Understanding on Technical Cooperation in the Field of Human Rights;* is described in The Tandem Project Review: Geneva, 11 July 2006 – The Office of United Nations High Commissioner for Human Rights (OHCHR) and the Organization of the Islamic Conference (OIC) signed in Rabat, Morocco, a Memorandum of Understanding on Technical Cooperation in the Field of Human Rights. Could this Memorandum of Understanding be support Article 18, International Covenant on Civil and Political Rights, and the 1981 U.N. Declaration on Freedom of Religion or Belief? What part does the Cairo Declaration on Human Rights in Islam signed by the Foreign Ministers of OIC countries on 5 August 1990, play in the implementation of this agreement? Is this a question that may be considered in the Indonesia UPR Review? - *The Tandem Project, a File Attachment.*

6. The *Cairo Declaration on Human Rights in Islam* was adopted and issued at the Nineteenth Islamic Conference of Foreign Ministers on 5 August 1990. The Organization of Islamic Conference (OIC) is an Inter-Governmental Organization of countries that either observes Shari'ah law, or where Islam is the majority religion. The OIC maintains Inter-governmental Permanent Observer Missions to the United Nations in New York and Geneva. The Cairo Declaration is a statement by OIC government member states of the United Nations. The Tandem Project has placed the Preamble of the Cairo Declaration, under the Preamble and eight Articles of the 1981 U.N. Declaration for **dialogue on concepts, similarities and differences**. The preamble and first sentence of each of the twenty-five articles of the *Cairo Declaration on Human Rights in Islam* are **highlighted** in this document. The complete Cairo Document can be read in full in *Religion and Human Rights Basic Documents*, published by the Center for the Study of Human Rights, Columbia University, New York, 1998.

7. *Concept: Separation of Religion or Belief and State* – SOROBAS, proposes that fair and equitable international human rights standards are essential for *long-term solutions* to conflicts based on religion or belief. This Concept by The Tandem Project builds respect for diversity of religion or belief and may be applicable for dialogue, with other models, in the UPR process for all UN Member States. It is proposed here as a paradigm for discussion of Article 18, International Covenant on Civil and Political Rights for the Indonesia UPR.

- Principle: 1948 Universal Declaration of Human Rights - “*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,*” – recognized as a “*common standard of achievement for all peoples and all nations*”
- Concept: Separation of Religion or Belief and State – SOROBAS. States recalling their history, culture and constitution on religion or belief, provide equal protection by law against all forms of intolerance and discrimination in matters relating to freedom of religion or belief, for theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.

- Beliefs: Article 18 of the International Covenant on Civil and Political Rights, “*protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.*” - General Comment 22 on Article 18, United Nations Human Rights Committee, 1993.
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Reply: The Tandem Project Country & Community Database collects information worldwide on United Nations Human Rights Bodies. The information is used for UN Human Rights Council Universal Periodic Reviews (UPR); UN Treaty-based Reports; UN Special Procedures, Special Rapporteur Reports. Click on the link below to open the Database. Read the Instructions & Table of Contents: scroll to an Article of your choice and click to reply.

<http://www.tandemproject.com/databases/forms/card.htm>

The Tandem Project: a non-profit, non-governmental organization established in 1986 to build understanding and respect for diversity of religion or belief, and prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project has sponsored multiple conferences, curricula, reference materials and programs on Article 18 of the International Covenant on Civil and Political Rights – Everyone shall have the right to freedom of thought, conscience and religion - and the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

The Tandem Project initiative was launched in 1986 as the result of a co-founder representing the World Federation of United Nations Associations (WFUNA) at a 1984 United Nations Geneva Seminar, *Encouragement of Understanding, Tolerance and Respect in Matters Relating to Freedom of Religion or Belief*, called by the UN Secretariat on ways to implement the 1981 UN Declaration. In 1986, The Tandem Project organized the first NGO International Conference on the 1981 UN Declaration.

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*The Tandem Project is a UN NGO in Special Consultative Status with the
Economic and Social Council of the United Nations*

WORD DOCUMENT ATTACHED

**THE 1981 U.N. DECLARATION ON THE ELIMINATION OF ALL
FORMS OF INTOLERANCE AND OF DISCRIMINATION
BASED ON RELIGION OR BELIEF**

Proclaimed by the General Assembly of the United Nations
25 November, 1981 (Resolution: 36/55)

Considering that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights and the International Covenants on Human Rights proclaim the principles of non-discrimination and equality before the law and the right to freedom of thought, conscience, religion or belief,

Considering that the disregard and infringement of human rights and fundamental freedoms, in particular the right to freedom of thought, conscience, religion or whatever belief, have brought, directly or indirectly, wars and great suffering to humankind, especially where they serve as a means of foreign interference in

the internal affairs of other States and amount to a kindling hatred between peoples and nations,

Considering that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion or belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible,

Convinced that freedom of religion or belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination,

Noting with satisfaction the adoption of several, and the coming into force of some conventions, under the aegis of the United Nations and of the specialized agencies, for the elimination of various forms of discrimination,

Concerned by manifestations of intolerance and by the existence of discrimination in matters of religion or belief still in evidence in some areas of the world,

Resolved to adopt all necessary measures for the speedy elimination of such intolerance in all its forms and manifestations and to prevent and combat discrimination on the grounds of religion or belief,

Proclaims this Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief:

ARTICLE 1: LEGAL DEFINITION

1. 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, practices and teaching.

JAKARTA, Indonesia, Nov. 15 – Indonesian human rights lawyers are again questioning the country's commitment to religious freedom after the recent arrests of several orthodox Islamic leaders and the banning of their organizations.

Although Indonesia's Constitution explicitly guarantees freedom of religion, the government extends this protection to only six officially recognized faiths: Islam, Roman Catholicism, Protestantism, Hinduism, Buddhism and Confucianism.

1. 2. No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.

1. 3 Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, morals or the fundamental rights and freedoms of others.

The attorney general's office banned Al Qiyada on Nov. 8, Mr. Moshaddeq, whose house was burned down this year by a mob, had said that he was the next Muslim prophet and did not require his followers to pray five times a day or toward Mecca. A central tenet of Islam is that Muhammad was the final prophet.

ARTICLE 2: CLASSIFYING DISCRIMINATION

2. 1 No one shall be subject to discrimination by any State, institution, group of persons or person on the

grounds of religion or other beliefs.

2. 2 *For the purposes of the present Declaration, the expression ‘intolerance and discrimination based on religion or belief’ means any distinction, exclusion, restriction, or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.*

ARTICLE 3: LINK TO OTHER RIGHTS

3. 1 *Discrimination between human beings on grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.*

ARTICLE 4: EFFECTIVE MEASURES

4. 1 *All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.*

4. 2 *All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.*

Several of Mr. Moshadeq’s followers remain in custody. “We want to reform the penal code, especially articles on banning sects for blasphemy,” said Uli Parulian Sihombing, a human rights lawyer who has often defended religious groups. “These people are nonviolent and peaceful. These laws are simply a justification for the government to intervene on issues of faith.” - *Indonesia Bans Sects It Deems Blasphemous*, Peter Gelling, New York Times, 16 November 2007.

ARTICLE 5: PARENTS, CHILDREN, STATE

5. 1 *The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.*

5. 2 *Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians; the best interests of the child being the guiding principle.*

5. 3 *The child shall be protected from any form of discrimination on the grounds of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for the freedom of religion or belief of others and in full consciousness that his energy and talents should be devoted to the service of his fellow men.*

5. 4 *In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.*

5. 5 *Practices of a religion or belief in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account Article 1, paragraph 3, of the present Declaration.*

ARTICLE 6: NINE SPECIFIC RIGHTS

In accordance with Article 1 of the present Declaration, and subject to the provisions of Article 1, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, inter alia, the following freedoms:

- 6. 1** *To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;*
- 6. 2** *To establish and maintain appropriate charitable or humanitarian institutions;*
- 6. 3** *To make, acquire and use to an adequate extent the necessary articles and materials related to the rites and customs of a religion or belief;*
- 6. 4** *To write issue and disseminate relevant publications in these areas;*
- 6. 5** *To teach a religion or belief in places suitable for these purposes;*
- 6. 6** *To solicit and receive voluntary financial and other contributions from individuals and institutions;*
- 6. 7** *To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;*
- 6. 8** *To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;*
- 6. 9** *To establish and maintain communications with individuals and communities in matters of religion or belief at the national and international levels.*

ARTICLE 7: NATIONAL LEGISLATION

7. 1 *The rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice.*

On Nov. 9, the Indonesian Supreme Court sentenced Abdul Rachman, who claims to be the reincarnation of the Prophet Muhammad and is the No. 2 leader of a religious group known as Lia Eden, to three years in prison for blasphemy. The day before, the attorney general banned a sect led by a man claiming to be the next prophet of Islam.

Although Indonesia's Constitution explicitly guarantees freedom of religion, the government extends this protection to only six officially recognized faiths: Islam, Roman Catholicism, Protestantism, Hinduism, Buddhism and Confucianism.

Various laws and edicts prohibit blasphemy, heresy, proselytizing and apostasy. In practice, they are applied primarily to perceived offenses against mainstream Islam. Nearly 90 percent of Indonesia's 240 million people are Muslims.

ARTICLE 8: EXISTING PROTECTIONS

8. 1 *Nothing in the present Declaration shall be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights and the International Covenants on Human Rights.*

