

UNITED NATIONS
Human Rights Council
Sub-Commission on the Promotion and Protection of Human Rights
Working Group on Minorities
Twelfth Session
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Agenda Item 3a - ***The Discriminatory practices against the Penghayat Kepercayaan terhadap Tuhan YME (indigenous belief) Communities that is still on going in Indonesia***

Thank you Mr Chairman for the opportunity to address this forum.

My name is Engkus Ruswana and I represent one of the communities of indigenous belief followers in Indonesia, which are formally called "Penghayat Kepercayaan terhadap Tuhan YME" or simply "penghayat".

I would like to talk about the human rights problems encountered by the "Penghayat Kepercayaan" communities in Indonesia related to their right to profess and practice their own religious belief.

Allow me first to express our appreciation of our government's effort to improve its implementation of the international human rights standards as evidenced by Indonesia's recent ratification of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. We look forward to working with our government on finding ways to achieve highest standards in human rights protection.

In line with the spirit of the UN Declaration on Minorities, most notable Article 1 Paragraph 1, Article 2 Paragraph 1 and Article 4 Paragraph 2 which deal with the protection and promotion of religious identity, the Penghayat Kepercayaan communities are recognized and protected by Indonesia's constitution. Moreover, Indonesia has adopted the Human Rights Law No.39/1999 which protects the rights of the Penghayat community to practice their religion.

Unfortunately in the reality, discriminatory practices against the penghayat are still on going in Indonesia. At the heart of the problem lies the unwillingness of the government to effectively recognize the Penghayat Kepercayaan religion which has dire adverse consequences for the members of this religious community.

Since their religion is not recognized, the marriage ceremonies performed in line with the Penghayat Kepercayaan tradition are not recognized by Indonesia's Civil Registration Office. Consequently, children born to Penghayat Kepercayaan families cannot obtain birth certificates with both of their parents' names but are treated as born out of wedlock. Furthermore, the spouses and children are denied welfare assistance and benefits to they would be otherwise entitled. They are also denied the inheritance of their respective spouses and parents.

Mr. Chairman,

We are greatly concerned with the governments continued violation of the provisions of the Declaration on Minorities which relate to the state's obligation to protect and promote the religious identity of minorities and their right to profess and promote their own religion. As recently as March 2006, in a letter addressed to the Central Java Governor, the Director-General of Demography of the Ministry of Home Affairs has rejected the request of more than 50 couples of the Penghayat community to register their marriage.

Mr. Chairman,

I urge the Government of Indonesia to repeal the laws and regulations which violate the freedom of religion of members of indigenous belief communities.

The effort of improving human rights standards in Indonesia can be greatly assisted by the relevant UN special procedures and would benefit from the involvement of the Special Rapporteur on freedom of religion or belief.

Isn't it true that our shared dream is to abolish discrimination and achieve full respect for human rights?

Thank you, Mr Chairman.

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