

Appendix 3: A Letter to the Indonesian Government

On October 28, 2020, Human Rights Watch sent two letters, respectively, to Minister of Home Affairs Tito Karnavia and Minister of Education and Culture Nadiem Makarim on the mandatory hijab regulations.

Advisors to the ministers separately made phone calls to Human Rights Watch, asking for more details about this research. But they did not officially respond to the letters. A copy of the letters is on the following page.

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300; 917-591-3452

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October 28, 2020

Mr. Nadiem Makarim
Minister of Education and Culture
Kementerian Pendidikan dan Kebudayaan Gedung A
Jl. Jenderal Sudirman, Senayan
Jakarta 10270

General Tito Karnavian
Minister of Home Affairs
Jl. Medan Merdeka Utara No.7
Jakarta 10110

Re: Hijab and female dress requirements in Indonesia

Dear Minister Makarim and General Karnavian,

Human Rights Watch is conducting research on hijab and female dress requirements for women and girls in schools, universities, civil service, and public spaces in Indonesia. We write to ask for information and comments from the Indonesian government on these issues. Human Rights Watch is committed to producing material that is as accurate as possible and, where relevant, will include your government's response.

We hope that you, or your staff, will respond to the questions below so that your views are accurately reflected in our reporting. Please reach out to my colleague Racqueal Legerwood at [redacted] for any questions or comments. In order to take your views into account in our forthcoming report, we would appreciate a written response by November 30, 2020.

In addition to the information requested, please include any other materials, statistics, and information you think might be relevant.

Thank you very much for your time in addressing these important matters.

Sincerely,

Brad Adams
Asia Director

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1. In 2014, Education and Culture Minister Mohammad Nuh issued a school-uniform regulation including a provision outlining requirements for school uniforms that includes the hijab as part of the uniform for Muslim girls. The regulation has been interpreted in many regencies, cities, and provinces as requiring a hijab for female Muslim students. The regulation has prompted provincial and local education offices in most parts of Indonesia to introduce new rules making the hijab a compulsory part of the school uniform for female students. Is the hijab a compulsory part of the school uniform for Muslim students? If not, will you issue a clarification to the regulation that it is not mandatory?
2. Many public schools require all female Muslim students to wear the hijab. Are public schools entitled to enforce mandatory hijab rules and penalize students that do not wear the hijab?
3. The 2012 Pramuka regulation requires Muslim girls to wear long dark brown skirts, long light brown sleeve shirts, and dark brown hijabs. In Indonesia, all public school students are required to join the Pramuka movement and to wear these Pramuka uniforms at least once a week. Some schools use the Pramuka regulation as an excuse to require hijabs all the time at school. Is the hijab a compulsory part of the Pramuka uniform for Muslim students? If not, will you issue a clarification to the regulation that it is not mandatory?
4. In February 2020, a public high school river trip in Yogyakarta resulted in the drowning of 10 girls while wearing the required Pramuka uniforms. The Search and Rescue team in Yogyakarta blamed the long skirts in part for the deaths. Will you review the safety considerations related to required long-flowing attire?
5. Some non-Muslim girls in public schools are compelled to wear hijabs. Are schools entitled to enforce these dress requirements on non-Muslim students?
6. To whom at the national level can parents complain if their daughters are forced to wear hijabs as part of school uniforms?
7. Some government offices in Indonesia, including public universities and schools, require female Muslim civil servants to wear a hijab based on provincial or local ordinances. We interviewed civil servants, teachers, and lecturers who complained about the pressures to wear a hijab. They cannot work without a hijab. Some of them decided to resign. Others consulted psychiatrists because of the constant demands to conform. Is the hijab a compulsory part of the civil service uniform for female Muslim workers? If not, will you issue a clarification to the regulation that it is not mandatory?
8. In some government buildings, including schools and campuses, female Muslim visitors are not allowed to enter the compound without wearing a hijab. Some women told us they were unable to access government services as a result. Is it legal to require this? What will you do to make sure that Muslim women who do not wear a hijab can enter government buildings?

9. Komnas Perempuan has repeatedly asked the Ministry of Home Affairs to revoke hundreds of discriminatory regulations against women and girls, including at least 48 mandatory hijab ordinances (see attachment in Bahasa Indonesia). Why hasn't the government done so?
10. In 2017, the Constitutional Court revoked the authority of the Ministry of Home Affairs to invalidate local ordinances, creating a legal problem for the national government to address these discriminatory regulations. What is your response to this ruling?
11. Hijab and other dress requirements violate constitutionally-guaranteed rights and rights recognized under international treaties such as freedom of religion and expression, the prohibition against discrimination, the right to privacy and personal autonomy, the best interests of the child, and the right to education. What actions will the Ministry of Home Affairs and the central government take to protect these rights?