



HUMAN
RIGHTS
WATCH

“I Wanted to Run Away”

Abusive Dress Codes for Women and Girls in Indonesia



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Glossary

Abdurrahman Wahid (1940-2009)	A leading Muslim scholar, he was Indonesia’s fourth president (1999-2001). His grandfather was a founder of the Nahdlatul Ulama, the largest Muslim organization in Indonesia. Popularly known as “Gus Dur,” Wahid chaired the organization from 1984-1998.
Ahmadiyah	An Islamic revivalist movement, founded in Qadian, Punjab, originating with the teachings of Mirza Ghulam Ahmad (1835–1908). In Arabic, Ahmadiyah means “followers of Ahmad.” Its adherents are often called “Ahmadis.” It first appeared in Indonesia in Sumatra in 1925. It was legally registered in Jakarta in 1953.
Bacharuddin Jusuf Habibie (born 1932)	Indonesia’s third president. A German-trained aeronautical engineer, he became President Suharto’s vice president in March 1998 and replaced him in May 1998. He lost a bid for reelection in 1999.
Cadar	Veil, from the Arabic word <i>cadar</i> . In Indonesia, it covers the head, face, neck, and below the chest, showing only the eyes.
Darul Islam	Armed movement established in Garut, West Java, in 1949, to set up an Islamic state in Indonesia. In Arabic, <i>Dar al-Islam</i> means house or abode of Islam and is commonly used to refer to an Islamic state.
Hidayah	“Godly guidance” in Arabic. It is usually used to politely ask Muslim women to wear the hijab.
Hijab	From the Arabic term <i>al hijab</i> (الحجاب), meaning “cover.” It refers to a cloth that covers a woman’s head, neck, and chest that some Muslim women wear outside their homes or in the presence of any male outside of their family.
Jilbab	From the Arabic term <i>al jalb</i> (الجلب), meaning “partition.” It refers to a cloth that covers a woman’s head, neck, and chest. This term is more widely used in Indonesia than the term <i>hijab</i> .

Joko Widodo (born 1961)	Indonesia's seventh president from 2014 to the present. Born in Solo, Central Java, from a commoner family. Before going into politics, he was in the furniture business. He is the only Indonesian president who did not come from the country's political elite or a had military background.
Kebaya	A traditional blouse-dress combination that originated from Java Island and is traditionally worn by women in Indonesia, Malaysia, Singapore, and Brunei. They are usually colorful embroideries. A kebaya is usually worn with a <i>jarit</i> or unsewn batik.
Kerudung or tudung	A piece of fabric covering a woman's head but still showing her hair.
Komnas Perempuan	National Commission on Violence Against Women (Komisi Nasional Anti Kekerasan terhadap Perempuan), an independent state institution set up in 1999 under President B.J. Habibie.
Muhammadiyah	A Sunni Muslim reformist organization established in 1912 in Yogyakarta, Central Java. One of the largest mass organizations in Indonesia, it operates hundreds of hospitals and schools throughout Indonesia. In Arabic, <i>Muhammadiyah</i> means "followers of Muhammad."
MUI	Indonesian Ulama Council (<i>Majelis Ulama Indonesia</i>), a semi-official Muslim clerical body founded in Jakarta in 1975 comprising Sunni Muslim groups, including Nahdlatul Ulama, Muhammadiyah, and smaller groups.
Nahdlatul Ulama	A traditionalist Sunni Islam organization established in 1926 in Jombang, East Java. It claims to have approximately 60 million members, making it the largest Muslim social organization in the world. It has more than 20,000 Islamic boarding schools, called <i>pesantren</i> , mostly in Java.

Niqab	From the Arabic term <i>al niqab</i> (نقاب), meaning “veil,” sometimes in Indonesia called <i>kaffah hijab</i> (perfect hijab).
Pancasila	Indonesian state principle or philosophy (literally, “five principles”) articulated at independence in 1945 consisting of five “inseparable” principles: belief in the One and Only God (thereby legitimizing several world religions and not just Islam); a just and civilized humanity; the unity of Indonesia; democracy; and social justice. It became the state ideology under President Suharto, under whom the promotion of alternative ideologies was considered subversion. It continues to be a key reference point in discussions of religion and religious pluralism in Indonesia today.
PKS	Prosperous Justice Party (<i>Partai Keadilan Sejahtera</i>) is an Islamist political party in Indonesia modeled on the Muslim Brotherhood in Egypt.
Qanun	Literally “law,” a term derived from Arabic (in English, “canon”), used in Aceh to refer to all ordinances enacted by provincial and regency administrations in the name of Sharia.
Regencies, Cities	Indonesia’s 34 provinces are divided into 514 regencies and cities. Regencies are mostly in rural areas. Cities are urban areas.
Sharia	Islamic law, or the body of legal regulations (<i>fiqh</i> in Arabic) elaborated by Muslim jurists. It is seen by many Muslims as a complete system of guidelines and rules which encompass criminal law (<i>qanun jinayah</i>), personal status law, and many other aspects of religious, cultural, and social life. There are many different schools of thought and different interpretations of the provisions of Sharia.
Shia Islam	The second largest denomination of Islam. In Arabic, Shia is the short form of the phrase <i>Shī’atu ‘Alī</i> , meaning “followers of Ali,” a reference to Ali ibn Abi Talib (656–661), the son-in-law of the Prophet

	Mohammad. Shia believe that Ali was the legitimate successor to Mohammad.
Suharto (1921–2008)	Indonesia’s second president (1966-1998).
Sukarno (1901–1970)	Indonesia’s first president (1945-1968). He adopted Pancasila as the state ideology, but also signed the blasphemy law in 1965.
Sunni Islam	The largest branch of Islam. In Arabic it is known as <i>Ahl ūs-Sunnah wa āl-Jamā’ah</i> or “people of the tradition of Mohammad and the consensus of the Ummah.” Sunni members believe that Mohammad’s successors were successively four caliphs: Abu Bakr, Umar al-Khattab, Uthman ibn Affan, and Ali ibn AbiTalib. Most Indonesian Muslims are Sunni.
Susilo Bambang Yudhoyono (born 1949)	Indonesia’s sixth president (2004-2014).
Wahhabism	An orthodox Islamic creed centered in and emanating from Saudi Arabia. It is named for preacher Muhammad ibn Abd al-Wahhab (1703–1792), who formed an alliance with the House of Saud.

Summary

Over the past two decades, women and girls in Indonesia have faced unprecedented legal and social demands to wear clothing deemed Islamic as part of broader efforts to impose the rules of Sharia, or Islamic law, in many parts of the country. These pressures have increased substantially in recent years.

In 2014, the Indonesian government issued a national regulation on school dress that has been widely interpreted to require female Muslim students to wear a *jilbab* as part of their school uniform. Prior to and since this regulation, many provincial and local governments in Indonesia have adopted several hundred Sharia-inspired regulations, many of which are targeted at women and girls, including their dress. In Indonesia, the term “jilbab,” which literally means “partition” in Arabic, is widely used to refer to a cloth that covers a woman’s head, neck, and chest. Hijab, which means “cover” in Arabic, is typically a cloth that covers the hair, ears, and neck but sometimes also covers the chest. Many Muslim women and girls also wear long-sleeve shirts and long dresses.

This report focuses on the discriminatory regulations and related social pressures on women and girls to wear the jilbab or hijab in schools, within the civil service, and at government offices. Women, girls, and family members from around Indonesia described to Human Rights Watch the impact of discriminatory dress regulations in these and other spheres, from evening curfews to riding on motorcycles.¹

A woman in Yogyakarta described the impact of the 2014 national student dress code on her teenage daughter, who went to state school in 2017: “Although the school and her teachers do not all explicitly say she must wear jilbab, they tend to give unsolicited comments or make fun of her choice not to wear jilbab. The pressure is in a way implicit, but constant.”

¹ These regulations are often also aimed at religious minorities, women, and girls, as well as lesbian, gay, bisexual, and transgender (LGBT) individuals. See Andreas Harsono, “Indonesian Women’s Rights Under Siege,” Al Jazeera, November 25, 2014, <https://www.hrw.org/news/2014/11/25/indonesian-womens-rights-under-siege> (accessed on September 17, 2020); Elaine Pearson, “Five urgent issues for Indonesia’s president,” The Interpreter, February 10, 2020, <https://www.lowyinstitute.org/the-interpreter/five-urgent-issues-indonesia-s-president> (accessed on September 17, 2020).

She said that her daughter was able to handle the situation in the first year, but in the second year she had an Islamic teacher for homeroom and the pressure to wear a jilbab became unbearable:

When he saw me, her teacher said, “Oh, I'm just following the school rules here.” “Can I see the rulebook?” I asked him. He then gave it to us. We went home and studied it. That is when I found out that although it doesn't say that female students have to wear jilbab, from the way they phrase it, it suggests that if a female student is Muslim, she must wear jilbab. That is what's implied.²

The jilbab rules also affect female civil servants in Indonesia. A lecturer at a public university in Jakarta who wishes to remain anonymous told Human Rights Watch that she was under pressure to wear a jilbab despite the absence of any campus regulation. She pointed to a huge billboard reminding all female visitors on campus to wear “Islamic attire.” She said it embodies attitudes she faced every day that made her uncomfortable, adding that the university only mandates “decent clothing” in its regulations. The constant pressures finally prompted her to resign in March 2020. She took a new job at a private university where she says she is not judged for teaching without a jilbab.

I receive comments asking why I do not cover my hair as I should as a Muslim. I got very traumatized from these incidents and felt discouraged [so I left my job].³

The Indonesian government's compulsion or acquiescence to pressure women and girls to wear a jilbab is an assault on their basic rights to freedom of religion, expression, and privacy. And for many, it is part of a broader attack on gender equality and the ability of women and girls to exercise a range of rights, such as to obtain an education, a livelihood, and social benefits. The threat of being denied an education or job is a highly effective way of persuading a woman or girl to wear a jilbab, at considerable psychological cost.

² Human Rights Watch interview with “Analisa” (pseudonym) whose daughter was in SMPN 8, Yogyakarta, June 12, 2019.

³ Human Rights Watch interview with a female Muslim academic [name withheld], [location withheld], September 10, 2020.

Mandatory dress codes have even exposed women and girls to unnecessary physical dangers. Women in parts of the country who are forced or pressured to wear long hijabs and required to wear long skirts instead of long pants risks having their clothes getting caught in motorcycle wheels, particularly if also required to ride side-saddle, as they are in Aceh.⁴ In February 2020, 10 Girl Scouts wearing long skirts died when they were swept into a river during a hike in Yogyakarta. The search and rescue team said that the long skirts had limited their physical movement and ability to avoid drowning.⁵

A woman in Cianjur who is required to wear a hijab and long skirt for her government job told Human Rights Watch: “I disagree with government interference on this hijab matter. I am afraid these measures will continue, with demands that [the hijab] becomes even longer and more restrictive. [I fear] they will add other rules that curb women, such as curfew restrictions.”⁶

Dahlia Madanih, who spent years monitoring local dress regulations for the governmental National Commission on Violence Against Women (Komnas Perempuan), said that once a local government begins to impose a mandatory jilbab, “other areas soon copy it, compelling either female civil servants or schoolchildren to wear the jilbab. The jilbab is seen as a symbol of female piety, high morality. Indonesia has a growing number of these mandatory jilbab areas, but they obviously do not correspond to piety and morality.”⁷

From Pancasila to “Islamic Sharia”

Indonesia’s founding president, Sukarno, and his successor, Suharto, saw a conservative interpretation of what was termed “Islamic Sharia” as a threat to the country’s guiding ideology of Pancasila, which established multi-culturalism as a foundation stone of the country’s political system.⁸ However, in 1999, Suharto’s successor, President B.J. Habibie,

⁴ In January 2013, authorities in Aceh introduced a regulation to ban female passengers from straddling motorbikes. “Indonesian province moves to ban women from straddling motorbikes,” *Associated Press*, January 7, 2013, <https://www.theguardian.com/world/2013/jan/07/indonesia-aceh-ban-women-motorbikes> (accessed on January 30, 2020).

⁵ Eleonora Padmasta Ekaristi Wijana, “Semua Korban Meninggal Susur Sungai Sempor Pakai Rok Panjang” (All Victims in the Sempor River Trekking Wore Long Skirts), *Suara*, February 22, 2020, <https://jogja.suara.com/read/2020/02/22/195728/semua-korban-meninggal-susur-sungai-sempor-pakai-rok-panjang> (accessed on May 29, 2020).

⁶ Human Right Watch interview with a woman [name withheld], Cipanas, Cianjur, July 26, 2018.

⁷ Human Rights Watch interview with Dahlia Madanih of Komnas Perempuan, Jakarta, January 18, 2018.

⁸ Pancasila, or “Five Principles,” was a political compromise made on August 18, 1945 by Indonesia’s founding fathers prior to announcing the constitution later that day. The principles are belief in the One and Only God; a just and civilized

under pressure to end a long and brutal civil armed conflict in Aceh, signed the Aceh Special Status Law, which for the first time in Indonesia's post-independence history allowed part of the country to implement Sharia.⁹

While other parts of the country have no legal authority to impose Sharia, the law and subsequent agreements had the unintended consequence of emboldening religious conservatives. In 2001, three regencies in West Java and West Sumatra began requiring the jilbab in schools. Other regencies, mostly on Java, Sumatra, and Sulawesi islands, began to issue similar ordinances, making female teachers and students wear a jilbab.

As part of a larger decentralization effort, parliament in 1999 passed a regional autonomy law, amended in 2004, empowering provincial and local governments to regulate the education and civil service sectors. Some Islamic political parties and Muslim politicians, who came from “nationalist parties,” seized the opportunity to impose Sharia regulations and ordinances in various provinces and localities.

Although religion formally remains the domain of the national government and has not been decentralized, over the next decade, a plethora of religiously inspired discriminatory regulations and ordinances aimed at women were passed around the country often in the name of public order.

As of 2016, Komnas Perempuan had identified 421 ordinances passed between 2009-2016 that discriminate against women and religious minorities.¹⁰ An academic study found that, by April 2019, more than 700 Sharia-inspired ordinances had been adopted.¹¹ Women and girls have been the most common target.

humanity; the unity of Indonesia; democracy; and social justice. See Andreas Harsono, *Race, Islam and Power: Ethnic and Religious Violence in Post-Suharto Indonesia* (Melbourne: Monash University Publishing, 2019) pp. 108-116.⁹ Edward Aspinall. *Islam and Nation: Separatist Rebellion in Aceh, Indonesia* (California: Stanford University Press, 2009).

⁹ Edward Aspinall. *Islam and Nation: Separatist Rebellion in Aceh, Indonesia* (California: Stanford University Press, 2009).

¹⁰ “Komnas Perempuan Finds 421 Discriminatory Policies,” *Tempo*, August 19, 2016, <https://en.tempo.co/read/news/2016/08/19/055797156/Komnas-Perempuan-Finds-421-Discriminatory-Policies> (accessed on April 21, 2020). Komnas Perempuan stopped counting after this date.

¹¹ See “Analysis by Dr. Michael Buehler: There Will Be More Sharia Ordinances, Human Rights Are Not Prioritized, and the Fate of LGBT Individuals’ Will Not Be Good” (*Analisa Dr. Michael Buehler: Perda Syariah Akan Makin Banyak, HAM Tak Diprioritaskan dan Nasib LGBT Tidak Terlalu Baik*), *Deutsche Welle*, April 22, 2019, <https://www.dw.com/id/analisa-dr-michael-buehler-perda-syariah-akan-makin-banyak-ham-tak-diprioritaskan-dan-nasib-lgbt-tidak-terlalu-baik/a-48412031> (accessed on May 29, 2020).

In June 2014, the government of President Susilo Bambang Yudhoyono opened the door even wider when Education and Culture Minister Mohammad Nuh issued a national regulation that, while ambiguously worded, implies and has been interpreted by officials and schools around the country to require all female Muslim primary and secondary school students to wear a jilbab as part of their school uniform.¹² While Sharia-inspired regulation of female dress in other domains remains limited to the provincial or local level, schools are now the subject of a de facto national policy.

The 2014 regulation grew out of dress requirements for Pramuka, the national scouting movement. The 2010 Pramuka Law compels all of Indonesia's provinces, cities, and regencies to have Pramuka chapters as part of their extracurricular activities. While the law says that the Pramuka Movement is supervised by the Minister of Youth and Sports, in practice the Minister of Education and Culture plays a larger role as most Pramuka members are students.¹³ The Pramuka Movement does not require school students to wear the official Pramuka uniform, but many local government leaders, who often also head Pramuka branches and supervise local education offices, make it mandatory for students to wear the scout uniform at least once a week.¹⁴

In December 2012, the chairman of the Pramuka Movement, Azrul Azwar, issued a 50-page instruction for “boy scouts and girl scouts.” This included a specific uniform for “female Muslims” that requires the jilbab, a long skirt or long pants, and a long-sleeve shirt. The

¹² “Peraturan Menteri Pendidikan dan Kebudayaan tentang Pakaian Seragam Sekolah Bagi Peserta Didik Jenjang Pendidikan Dasar dan Menengah” (Minister of Education and Culture Regulation on School Uniform for Primary and High Education), no. 45/2014, http://simpuh.kemenag.go.id/regulasi/permendikbud_45_14.pdf (accessed on August 7, 2019).

¹³ In 2017, Pramuka chairman Adhyaksa Dault, himself a former Youth and Sport Minister, suggested that the 2010 Pramuka Law is to be amended, saying that the Pramuka Movement would be better placed under the supervision of the Minister of Education and Culture. See: “Mendikbud Tak Sepakat jika Pramuka Diwacanakan di Bawah Kemendikbud,” (Minister of Education Disagrees if Pramuka is to be under the Ministry of Education and Culture), *Kompas*, August 21, 2017: <https://nasional.kompas.com/read/2017/08/21/19382641/mendikbud-tak-sepakat-jika-pramuka-diwacanakan-di-bawah-kemendikbud> (accessed on April 21, 2020).

¹⁴ On Sumbawa Island, for instance, Deputy Regent Mahmud Abdullah is also the head of the local Pramuka Movement. On November 5, 2019, he gave a speech at a Pramuka meeting praising local education and religious affairs offices for issuing a joint decree making it “mandatory for all students and teachers” to wear the Pramuka uniform every Saturday. See: “Guru dan Siswa Wajib Pakai Seragam Pramuka” (Teachers and Students Must Wear Pramuka Uniform), *Pulau Sumbawa News*, November 5, 2019, <http://pulausumbawanews.net/index.php/2019/11/05/guru-dan-siswa-wajib-pakai-seragam-pramuka/> (accessed on April 21, 2020).

official instruction includes pictures with details about the length and style of the clothes and headdress and specifies use of dark and light brown fabrics.¹⁵

In July 2014, Minister of Education and Culture Mohammad Nuh decreed that all schools, from primary to high schools, must include the Pramuka Movement as part of their extra-curricular activities and that all students should join. He also stated that all teachers should be accredited as “Pramuka mentors.” As a result, nearly all state school children, from grade 1 to grade 12, regularly wear the officially mandated Pramuka clothes to school at least once a week.¹⁶ Regardless of whether girls choose to participate in extracurricular scouting activities, they are required to wear the uniform and, accordingly, jilbabs.

In a 2019 interview with Human Rights Watch, Nuh, now chairman of the Press Council, stressed that he did not include the word “mandatory” (*wajib*) in the 2014 regulation, explaining that it provides Muslim girls two uniform choices: a long sleeve shirt, long skirt and the jilbab, and the regular uniform without the jilbab. He said:

There is a genuine public aspiration to have these schoolgirls wearing jilbab. I do not object. I wrote that regulation. But it is not mandatory. I did not write the word “mandatory.” Any Muslim girl, any schoolgirl basically, from primary to high school, could choose, wearing jilbab or not.

If a Muslim schoolgirl chooses not to wear a jilbab—the jilbab uniform—it is not a problem. She could choose to do that. She should not face any sanction. It should be a free choice. I still see many Muslim girls not wearing jilbab. It is totally fine. If there’s a state school that makes it mandatory for a Muslim girl to wear jilbab, please report that school to the Ministry of Education and Culture.¹⁷

¹⁵ Kwartir Nasional Gerakan Pramuka, “Petunjuk Penyelenggaraan Pakaian Seragam Anggota Gerakan Pramuka” (Instruction for Organizing Uniforms for the Pramuka Movement Members), December 21, 2012: <http://buk.um.ac.id/wp-content/uploads/2016/07/document.pdf> (accessed on April 21, 2020).

¹⁶ Ministry of Education and Culture, “Pramuka education as a mandatory extra-curricular activity in primary and high schools,” July 2, 2014, <http://pramukamembangun karakter.blogspot.com/2016/07/httpsdrive.html> (accessed on April 21, 2020).

¹⁷ Human Rights Watch interview with Minister of Education and Culture Mohammad Nuh, Jakarta, November 13, 2019.

In practice, however, the 2014 regulation has been understood in many regencies and provinces as requiring a headscarf for all Muslim girls. In areas that have adopted this approach, a girl from a Muslim family who wished to be exempted from wearing the “Muslim girl” uniform would have to tell school authorities that she is not a Muslim, something girls from Muslim families are very unlikely to do – nearly all consider themselves Muslim even if they do not want to wear a jilbab.

This regulation prompted provincial and local education offices to introduce new rules, which in turn induced thousands of state schools, from primary to high schools, to rewrite their school uniform policies to require the jilbab for Muslim girls, especially in Muslim-majority areas. In such schools, Muslim girls are required to wear long-sleeve shirts and long skirts, along with a jilbab.¹⁸

Currently, most of Indonesia’s almost 300,000 public schools, particularly in the 24 predominantly Muslim provinces, require Muslim girls to wear the jilbab beginning in primary school.¹⁹ Even where school officials have acknowledged to Human Rights Watch that the regulation does not legally require a jilbab, the existence of the regulation adds to the pressure on girls and their families to wear one.

Komnas Perempuan has repeatedly expressed concerns about discriminatory regulations, including those related to the jilbab. It has called on the national government, particularly the Ministry of Home Affairs, to revoke the local ordinances passed under the cover of the

¹⁸ Indonesia has nearly 300,000 state schools, from kindergartens to high schools. See “2016, Jumlah Sekolah Hampir Mencapai 300 ribu unit,” *Katadata*, November 15, 2016, <https://databoks.katadata.co.id/datapublish/2016/11/15/2016-jumlah-sekolah-hampir-mencapai-300-ribu-unit> (accessed on August 7, 2019).

¹⁹ Of Indonesia’s 34 provinces, only five do not have Muslim majorities. They include four predominantly Christian provinces: West Papua (population 755,000); Papua (2.8 million); North Sulawesi (2.3 million); and East Nusa Tenggara (4.8 million). Bali has a Hindu majority (84 percent of 3.9 million). Five other provinces have a small Muslim majority, including Moluccas Island and four provinces on Kalimantan Island. As of 2010, these 24 provinces contained approximately 214 million of the country’s 238 million people, or approximately 90 percent of Indonesia’s total population. It is unclear how many provinces also require the jilbab in kindergarten, which is not mentioned in the 2014 decree. In August 2018, several Indonesian media outlets published news reports about a kindergarten parade in Probolinggo, East Java, in which the children were wearing Islamic State-like black niqab uniforms and carrying AK-47 toy guns. See “Pawai murid TK bercadar dan bawa replika senjata, ‘isyarat ancaman radikalisme mulai mengakar’” (Kindergarten pupil with niqab and bringing AK-47 toy guns, indicating “the threat of radicalism”), *BBC News Indonesia*, August 21, 2018, <https://www.bbc.com/indonesia/indonesia-45248639> (accessed February 25, 2021). Human Rights Watch interviewed a mother of a kindergarten daughter, who was asked to wear a jilbab, in Banyuwangi (July 30, 2018) and a 19-year-old woman in Padang who had to wear a jilbab since she was in kindergarten (August 13, 2019).

2004 decentralization law and to end jilbab-related discrimination nationwide.²⁰ But the Yudhoyono government contended that the local ordinances (*peraturan daerah*) did not contradict national regulations as they represented “local values.”²¹ His administration also allowed the adoption of elements of Sharia at the provincial and local level, including anti-Ahmadiyah and other regulations targeting religious minorities.²² The subsequent Jokowi government has similarly failed to take action.²³

Komnas Perempuan has identified 32 regencies and provinces with rules requiring the jilbab to be worn in state schools, the civil service, and in some public places, including Bengkulu, West Sumatra, and South Kalimantan provinces.²⁴ Some other predominantly Muslim provinces, such as Yogyakarta, have adopted similar regulations but have not made them mandatory, instead “calling on” or “advising” Muslim girls and women to wear the jilbab.

A 2019 report by the Jakarta-based Alvara Research Centre found that 75 percent of Muslim women in Indonesia, or approximately 80 million women and girls, were wearing the hijab.²⁵ It is unclear how many do so voluntarily and how many do so under legal, social, or familial pressure or compulsion.²⁶ Most wear one of three styles of Islamic headdress: *kerudung* (still showing hair), traditionally worn in many parts of Southeast Asia; *jilbab*

²⁰ Camely Arta, “Komnas Perempuan: Government Must End Discriminative Policies, Identity Politics,” *Magdalene*, July 13, 2017, <https://magdalene.co/news-1291-komnas-perempuan-government-must-end-discriminative-policies-identity-politics.html> (accessed on May 29, 2020). Komnas Perempuan also identified discriminatory regulations against Muslim minorities like Ahmadiyah and Shia.

²¹ Margareth Aritonang, “Human rights must conform to local values,” *Jakarta Post*, September 25, 2012, <https://www.thejakartapost.com/news/2012/09/25/human-rights-must-conform-local-values.html> (accessed on September 17, 2020).

²² Michael Buehler, *The Politics of Shari’a Law: Islamic Activists and the State in Democratizing Indonesia* (Cambridge University Press, March 2018).

²³ Ayomi Amindoni, “Government annuls 3,143 bylaws,” *Jakarta Post*, June 13, 2016, <https://www.thejakartapost.com/news/2016/06/13/government-annuls-3143-bylaws.html> (accessed on September 17, 2020).

²⁴ See Appendix 1 on the Mandatory Hijab Regulations in Indonesia.

²⁵ Alvara Research Center, *Indonesia Muslim Report 2019: The Challenges of Indonesia Moderate Moslems* (Jakarta: December 2019). The study also found that fewer than 2 percent of Muslim women in Jakarta wear the full-face veil but their number was growing along with niqab-wearing communities across Indonesia. No figure is available for the number of Muslim women who wore the hijab before the post-Suharto era. One researcher estimates that kerudung was used only in Islamic madrasah or around 10 to 15 percent of students. Human Rights Watch interview with Hasanuddin Ali of the Alvara Research Center in Jakarta, November 7, 2019.

²⁶ In Indonesia, there are no official statistics on how many women wear a hijab. Most estimates suggest that more than 50 percent of the female Muslim population wear a hijab. Samantha Hawley, “Why do Indonesian women wear the hijab when they don’t have to?” *ABC Australia*, September 17, 2017, <https://www.abc.net.au/news/2017-09-17/indonesian-women-and-why-they-wear-the-hijab/8856288> (accessed on May 25, 2020).

(which in Indonesia refers to dress that covers the hair, ears, and neck), now the most common style in Indonesia; and the Saudi-style *abaya* (covering the whole body with a long robe). The *abaya* is sometimes combined with the *niqab*, a face veil showing only the eyes,²⁷ attire that is increasingly worn in Indonesia.²⁸ Its advocates say that the *niqab* (the term used in Indonesia to refer to the *abaya* or the *abaya* and the face veil) is “the perfect hijab” (*kaffah jilbab*) because it completely hides the shape of female bodies and their faces.²⁹

Proponents have offered different justifications for the regulations, asserting they are necessary to cope with issues such as poverty, teen pregnancy, and pornography on the internet.³⁰ Currently, there is a campaign to pass a conservative Criminal Code that includes a provision that could be interpreted to authorize localities to apply *hukum adat*, or customary criminal law, aspects of which are blatantly discriminatory.³¹ Many Muslim politicians argue that the *jilbab* is mandatory in Islam and that Muslim girls should be forced to wear the *jilbab* from a young age. Some criticize opposition to the mandate as “Islamophobia.”³²

Dewi Candraningrum, in her book *Negotiating Women's Veiling: Politics and Sexuality in Contemporary Indonesia*, wrote that most veiled women do so in the name of Islam, “... compelled by parents and schools, as well as formal law.” She argued that schools are particularly influential, concluding based on surveys of girls and women in Java and

²⁷ Dewi Candraningrum, *Negotiating Women's Veiling: Politics & Sexuality in Contemporary Indonesia*, Research Institute on Contemporary Southeast Asia, Bangkok, June 2013. Candraningrum is a lecturer at the Surakarta Muhammadiyah University in Surakarta, Central Java. She told Human Rights Watch that she faces hostility because of her writing: “My colleagues used to threaten me, or would write to intimidate me, or try to get me fired, or otherwise get rid of me, because I’m a ‘threat,’ a ‘liberal,’ a ‘feminist,’ or whatever it is.” Human Rights Watch interview with Dewi Candraningrum, Boyolali, June 12, 2019.

²⁸ Amanda Siddharta, “Why niqab is being worn by more Muslim women in Indonesia, and a secular nation’s sometimes hostile response to full-face veil,” *South China Morning Post*, February 19, 2018, <http://www.scmp.com/lifestyle/fashion-luxury/article/2133570/why-niqab-being-worn-more-muslim-women-indonesia-and> (accessed on May 30, 2020).

²⁹ “Wanita Indonesia Bercadar” (Indonesian Women with Veil) in Facebook promote the wearing of the niqab as a “requirement of Islam,” <https://www.facebook.com/wibjakarta/> (accessed on May 29, 2020).

³⁰ Human Rights Watch interview with Komnas Perempuan commissioner Khariroh Ali, Jakarta, January 18, 2018.

³¹ Only a nationwide protest prevented the bill from going to President Joko Widodo for signature in 2019, but it remains with parliament and is still listed as a priority bill on its docket. “Indonesia: Draft Criminal Code Disastrous for Rights,” Human Rights Watch news release, September 18, 2019, <https://www.hrw.org/news/2019/09/18/indonesia-draft-criminal-code-disastrous-rights>.

³² Rut Sri Wahyuningsih, “Islamophobia di Balik Helaian Kerudung” (Islamophobia Behind the Kerudung), *Harian Aceh*, January 28, 2021, <https://www.harianaceh.co.id/2021/01/28/seruan-islamophobia-di-balik-helaian-kerudung/> (accessed on February 1, 2021).

Sumatra that school regulations were the most effective means of inducing girls to wear the jilbab.³³

The Jokowi Administration's Inconsistent Response

After Joko Widodo, popularly known as Jokowi, was elected president in 2014, hopes were raised among women's rights advocates when the new home affairs minister, Tjahjo Kumolo, promised that he would review discriminatory regulations in the country. Meeting with leaders of religious minority groups in November 2014, Kumolo told them, "Indonesia is not a country based on any one religion. It is a country that is founded on the 1945 Constitution, which recognizes and protects all faiths."³⁴ Pressed by Komnas Perempuan on jilbab regulations, the Home Affairs Ministry identified 139 ordinances that violate the rights of women and promised to look for ways to revoke them.³⁵

This has not happened. While President Jokowi announced in June 2015 that his administration had scrapped 3,143 of 3,266 problematic local ordinances and bylaws because they contradicted higher regulations, promoted intolerance, or deterred investment, the main purpose was to invalidate local ordinances that hampered foreign investment. None of the jilbab or other Sharia-inspired ordinances were revoked.³⁶

Following an attack by an Islamist couple on the chief security minister, Wiranto, in October 2019, the religious affairs minister, Fachrul Razi, suggested banning women civil servants from wearing niqabs at work. Facing public criticism from conservatives, Razi later apologized and stopped pursuing the ban.³⁷ However, the next month Razi and the newly appointed minister of education, Nadiem Makarim, signed a joint decree with other ministers to ban civil servants from using their social media accounts "to propagate hate

³³ Dewi Candraningrum, *Negotiating Women's Veiling: Politics & Sexuality in Contemporary Indonesia*, (Bangkok: Research Institute on Contemporary Southeast Asia, 2013). Candraningrum is a lecturer at the Surakarta Muhammadiyah University in Surakarta, Central Java. Human Rights Watch interview with Dewi Candraningrum, Boyolali, June 12, 2019.

³⁴ Margareth Aritonang, "Tjahjo to protect minorities," *The Jakarta Post*, November 6, 2014, <http://www.thejakartapost.com/news/2014/11/06/tjahjo-protect-minorities.html> (accessed on April 21, 2020).

³⁵ "Women call for end to discrimination in bylaws," *The Jakarta Post*, August 19, 2015, <http://www.thejakartapost.com/news/2015/08/19/women-call-end-discrimination-bylaws.html> (accessed on April 21, 2020).

³⁶ "Government annuls 3,143 bylaws," *The Jakarta Post*, June 13, 2016, <http://www.thejakartapost.com/news/2016/06/13/government-annuls-3143-bylaws.html> (accessed on April 21, 2020).

³⁷ "Tempting niqab ban," *The Jakarta Post*, November 8, 2019, <https://www.thejakartapost.com/academia/2019/11/08/tempting-niqab-ban.html> (accessed on May 23, 2020).

speech and radicalism.” While the decree states that civil servants must be loyal to the state ideology of Pancasila, it did not directly mention Islamist radicalism or extremism, and did not address ordinances mandating the wearing of the jilbab.³⁸

However, in November 2019 Jokowi’s newly appointed home affairs minister, Tito Karnavian, called on provincial and local officials nationwide to write ordinances based on Pancasila. He said they should not adopt any dress codes for civil servants that deviate from Pancasila.³⁹

On January 11, 2021, Elianu Hia, a Christian father, recorded a meeting with a teacher in his daughter’s SMKN2 state school in Padang, during which the teacher pressured him to ask his daughter, herself a Christian, to wear a jilbab at school. He asked the teacher, “Is it advice or an order?” The teacher replied, “This is the school regulation at SMKN2 Padang. This is a mandatory jilbab rule.” After Elianu Hia uploaded the video and the school letter on Facebook, the story was reported by the media and national television, prompting netizen protests against the school and the education office in West Sumatra.⁴⁰

On January 24, 2021, the Minister of Education, Nadiem Makarim, responded in a video statement, condemning the abuse at SMKN2 in Padang and saying that the “mandatory jilbab regulation” at the school, or any state school in Indonesia, is against the constitution, against the education law, and against the 2014 public uniform regulation. He told the Padang local government to order the school to change its policy. The school complied, but at the time of writing it had not formally changed the regulation. That week, five Christian female students attended their classes without a jilbab, quoting Makarim’s

³⁸ The joint decree was signed by 18 ministers and heads of state agencies. They included minister of bureaucratic reform and civil service Tjahjo Kumolo; minister of home affairs Tito Karnavian; minister of law and human rights, Yasonna Laoly; and minister of communications Johnny G. Plate. Others included the head of the State Intelligence Agency Budi Gunawan; head of the State Counter Terrorism Agency Suhardi Alius; head of the Civil Service Registry Bima Haria Wibisana; coordinator of the Agency to Implement Pancasila Hariyono; and head of the Civil Servants Commission Agus Pramusinto. See: “SKB Penanganan Radikalisme ASN Dikritik, Simak Lagi Isinya,” *Detik*, November 27, 2019: <https://news.detik.com/berita/d-4799859/skb-penanganan-radikalisme-asn-dikritik-simak-lagi-isinya/> (accessed on May 23, 2020).

³⁹ Tito Dirhantoro, “Pesan Tito Karnavian ke gubernur: Bikin perda harus berasas Pancasila” (Tito Karnavian’s Message to Governors: Local Ordinances Should be Based on Pancasila), *Alinea*, November 26, 2019, <https://www.alinea.id/nasional/tito-karnavian-imbau-bikin-perda-harus-berasaskan-pancasila-b1Xqe9pvQ> (accessed on September 17, 2020).

⁴⁰ Adi Briantika, “Rombak Peraturan Diskriminatif Wajib Jilbab di Sekolah Sumbar” (Reform the Discriminatory Hijab Regulations in West Sumatra), *Tirto*, January 26, 2021, <https://tirto.id/rombak-peraturan-diskriminatif-wajib-jilbab-di-sekolah-sumbar-f9CC> (accessed on January 27, 2021).

statement. However, other Christian girls continued to wear a jilbab, saying they were afraid to attend without one since the principal had not changed the regulation.⁴¹ On February 3, 2021, Education and Culture Minister Nadiem Makarim, Home Affairs Minister Tito Karnavian, and Religious Affairs Minister Yaqut Cholil Qoumas signed a decree that allows any student or teacher to choose what to wear in school, with or without “religious attributes.” The decree orders local governments and school principals to abandon regulations requiring a jilbab in thousands of state schools around the country.⁴² On February 10, the Indonesian Ulama Council sent a letter to the government asking for the school uniform regulation to be revised so that Muslim teachers are allowed to teach Muslim schoolgirls that it is “appropriate” for Muslim girls to wear the jilbab. The decree does not prohibit girls from wearing a jilbab. The letter criticized the decree for leading to “noisy protests.”⁴³

The Need for Legal Reform

After the government revoked thousands of local ordinances to promote its business-friendly program, rumors and speculation circulated widely that the revoked regulations included Sharia-inspired regulations, including mandatory jilbab bylaws. *Nahi Munkar*, an Islamic blog, incorrectly headlined that the Jokowi administration had “revoked” Islamic ordinances, listing some mandatory jilbab ordinances.⁴⁴ Kumolo immediately issued a

⁴¹ Yola Sastra, “Siswa Non-Muslim di SMK Negeri 2 Padang Mulai Lepaskan Jilbab” (Non-Muslim Students at SMKN2 Padang Begin to Take Off Jilbab), *Kompas*, January 26, 2021, <https://bebas.kompas.id/baca/nusantara/2021/01/26/siswa-nonmuslim-di-smk-2-padang-mulai-lepaskan-jilbab/> (accessed on January 28, 2021).

⁴² “Keputusan Bersama Menteri Pendidikan Dan Kebudayaan Republik Indonesia Menteri Dalam Negeri Republik Indonesia Menteri Agama Republik Indonesia Tentang Penggunaan Pakaian Seragam Dan Atribut Bagi Peserta Didik, Pendidik, Dan Tenaga Kependidikan Di Lingkungan Sekolah Yang Diselenggarakan Pemerintah Daerah Pada Jenjang Pendidikan Dasar Dan Menengah” (“Joint Decree Minister of Education and Culture, Minister of Home Affairs, and Minister of Religious Affairs on the Uniform Clothes and Attributes for Students, Educators, and Education Staff in State Schools under the Management of Local Government on Primary and Secondary Education”), February 3, 2021, <https://setkab.go.id/wp-content/uploads/2021/02/SALINAN-SKB-Mendikbud-Mendagri-Menag-CAP.pdf> (accessed February 25, 2021).

⁴³ Haryanti Puspa Sari, “MUI Minta SKB 3 Menteri tentang Seragam Sekolah Direvisi, Ini Alasannya” (MUI Asks the 3 Ministers Regulation on School Uniform to be Revised), *Kompas*, February 13, 2021, <https://nasional.kompas.com/read/2021/02/13/11003951/mui-minta-skb-3-menteri-tentang-seragam-sekolah-direvisi-ini-alasannya?page=all> (accessed on March 9, 2021).

⁴⁴ “Astaghfirullah, Ini Perda Bernafaskan Islam yang Dihapus Presiden Jokowi” (Oh My God, These Are the Islamic Ordinances that President Jokowi Revoked), *Nahi Munkar*, June 18, 2016, <https://www.nahimunkar.org/astaghfirullah-perda-bernafaskan-islam-dihapus-presiden-jokowi/> (accessed on April 21, 2020). The article listed some mandatory ordinances in Tanah Datar (West Sumatra), Cianjur (West Java), and Dompu (West Nusa Tenggara).

statement that none of the 3,143 ordinances were Sharia-inspired and called on the public to ignore the rumors.⁴⁵

The removal of the investment-related ordinances, however, infuriated the Indonesian Association of Regency Governments (Asosiasi Pemerintah Kabupaten Seluruh Indonesia, or Apkasi).⁴⁶ It filed a petition with the Constitutional Court seeking a ruling that the Ministry of Home Affairs lacked the authority to invalidate local ordinances. Apkasi asked the court to invalidate articles from the 2014 Regional Governance Law authorizing the Ministry of Home Affairs to revoke local ordinances.

The government defended its position, but in 2017, the Constitutional Court ruled that that Home Affairs Ministry's decision to cancel local regulations had violated the 1945 Constitution and that cancelling local regulations could only be done through a judicial review at the Supreme Court.⁴⁷ The commissioner of Komnas Perempuan, Khariroh Ali, explained the impact of the Constitutional Court decision: “By ending the central government’s authority to revoke bad regulations, the court ruling has let local governments off the leash.... These uncontrolled local regulations will be the source of discriminatory regulations against minorities.”

The government has thus far failed to bring a case at the Supreme Court challenging local regulations as discriminatory. While private actors can file a case, Supreme Court rules do not allow witnesses, experts, or other relevant parties to testify in court.⁴⁸

⁴⁵ “Mendagri Tegaskan Tak Ada Perda Bernuansa Islam yang Dibatalkan” (“Minister of Home Affairs Reiterated that No Islamic Ordinances Were Revoked”), *Kompas*, June 16, 2016, <https://nasional.kompas.com/read/2016/06/16/14264701/mendagri.tegaskan.tak.ada.perda.bernuansa.islam.yang.dibatalkan> (accessed on April 21, 2020).

⁴⁶ “Apkasi Yakin MK Akan Kabulkan Revisi UU Pemda” (Apkasi Believes that the Constitutional Court Will Revise the Regional Governance Law), *Apkasi*, April 16, 2016, <https://apkasi.org/apkasi-news/apkasi-yakin-mk-akan-kabulkan-revisi-uu-pemda/> (accessed on May 25, 2020).

⁴⁷ Carlos Ky Paath, “Constitutional Court Takes Away Home Affairs Ministry's Power to Revoke Local Regulations,” *Jakarta Globe*, April 6, 2017, <https://jakartaglobe.id/news/constitutional-court-takes-away-home-affairs-ministrys-power-revoke-local-regulations/> (accessed on February 2, 2021). See also: Constitutional Court rule No. 137/PUU-XIII/2015, “Pengujian Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah Terhadap Undang-Undang Dasar Negara Republik Indonesia Tahun 1945” (Legal Review of the 2014 Regional Governance Law based on the 1945 Constitution), June 15, 2017, https://www.mkri.id/public/content/persidangan/putusan/137_PUU-XIII_2015.pdf (accessed on February 2, 2021).

⁴⁸ Human Rights Watch interview with Komnas Perempuan commissioner Riri Khariroh Ali, Jakarta, January 18, 2018. Also see: Maruarar Siahaan, “Uji Konstitusionalitas Peraturan Perundang-Undangan Negara Kita: Masalah dan Tantangan” (Constitutional Review of Our Laws and Regulations: Problems and Challenges), *Jurnal Konstitusi*, Volume 7 No. 4 2010, <https://jurnalkonstitusi.mkri.id/index.php/jk/article/view/236/232> (accessed on February 2, 2021). Siahaan is a retired Constitutional Court judge. *Jurnal Konstitusi* is the Constitutional Court-owned legal journal.

Tim Lindsey, a legal expert on Indonesia at Melbourne University, described the situation as a “constitutional hole.” The Constitutional Court can only rule on the constitutionality of laws, not regulations. The Supreme Court only considers whether laws and regulations were properly adopted, not their constitutionality. This means there is no judicial venue to determine the constitutionality of a large number of regulations, including the jilbab rules. This is problematic because in Indonesia the real-world impact of laws is often found in implementing regulations, such as the jilbab regulations. Lindsey suggested that the Constitutional Court should reconsider its position in order to remedy this problem.⁴⁹

If the Constitutional Court and Supreme Court continue to allow discriminatory regulations to be implemented, the national government will only be able to address them through superseding national legislation that expressly prohibits discriminatory dress and other provisions.

The contradictory signals from the Jokowi administration highlight how the fight over women’s rights and autonomy is one of the most important and contested issues in Indonesia, having a major impact on the country’s social, economic, and political future. Devi Asmarani, publisher of *Magdalene*, an online women’s magazine in Jakarta, captured the broader public resonance of the jilbab issue: “No other women’s rights stories, from rapes to #MeToo rallies, from celebrities’ profiles to our long features, can compete with jilbab stories. All stories about the pros and cons of jilbab are widely read on our website, often with the highest readership.”⁵⁰

Requiring women and girls to wear a jilbab is part of a movement by conservative religious and political forces to reshape human rights protections in Indonesia. It undermines women’s right to be free “from discriminatory treatment based upon any grounds whatsoever” under Indonesia’s Constitution. Women are entitled to the same rights as men, including the right to wear what they choose. International human rights law guarantees the right to freely manifest one’s religious beliefs and the right to freedom of expression. Any limitations on these rights must be for a legitimate aim, applied in a non-arbitrary and non-discriminatory manner.

⁴⁹ Tim Lindsey, “Filling the Hole in Indonesia’s Constitutional System: Constitutional Courts and the Review of Regulations in a Split Jurisdiction,” *Jurnal Konstitusi*, Volume 4 No.1 2018, <https://consrev.mkri.id/index.php/constrev/article/view/412/362> (accessed on January 25, 2021).

⁵⁰ Human Rights Watch interview with Devi Asmarani, Denpasar, March 19, 2019.

Key Recommendations

Human Rights Watch opposes both forced veiling and blanket bans on the wearing of religious dress as disproportionate and discriminatory interference with basic rights and has repeatedly criticized governments for excessive regulation of dress.

Human Rights Watch urges the Indonesian government to:

- Actively enforce the February 3, 2021, decree issued by the Ministries of Education and Culture, Home Affairs, and Religious Affairs that bans abusive, discriminatory dress codes for female students and teachers in Indonesia's state schools.
- Issue a public policy statement that all national and local ordinances and regulations requiring the jilbab and other female clothing are discriminatory, should not be enforced, and should be repealed.
- Order government officials, including governors, mayors, regents, and other local officials, to revoke discriminatory ordinances and to stop pressuring women and girls to wear the jilbab or other religious dress. Take disciplinary action against local government heads and government employees who violate this order.
- Send to parliament draft legislation repealing existing provincial and local regulations that discriminate on the basis of gender, including regulations that require women and girls to wear a jilbab or other prescribed clothing, and banning any new discriminatory regulations in the future.
- Instruct the Pramuka (the national scouting movement) to repeal provisions of the 2012 scout uniform regulation that have been widely interpreted as requiring female scouts and schoolgirls to wear the jilbab and other religious dress at school and during their outdoor activities including the long skirts.
- Work with Islamic organizations, including the Nahdlatul Ulama and the Muhammadiyah, to create a public messaging campaign against requiring or pressuring women and girls to wear the jilbab or other Islamic dress, and promoting tolerance and inclusivity.

Methodology

Human Rights Watch conducted research for this report from 2014 to January 2021, including 142 in-depth interviews with schoolgirls, their parents or guardians, female civil servants, educators, government officials, and women's rights activists. Interviews took place on Java Island, including in the cities of Bandung, Banyuwangi, Boyolali, Cianjur, Cibinong, Cirebon, the Greater Jakarta area, Parapat, Rangkasbitung, Serang, Sukabumi, Surakarta, and Yogyakarta; on Sumatra Island, including in Banda Aceh, Bandar Lampung, Medan, Padang, Pekanbaru, Solok, and Sijunjung; on Kalimantan Island, including in Penajam Paser Utara, Pontianak, and Banjarmasin; on Sulawesi Island, including in Makassar, Maros, and Gorontalo; on Lombok Island in Praya; and Denpasar on Bali.

We conducted interviews with students and their family members in safe locations, sometimes close to schools or government offices. For security reasons, including interviewees' fear of retaliation including bullying or intimidation, we have withheld the names of nearly all of the students forced to wear a jilbab even if they are now adults, and, in the case of those who are still children, we also withheld the names of their parents. Where we identify a person's age, city, or organization, we do so with their consent. We have used real names only when the individual insisted that we use their names, and only then when we believed it was safe to do so. In most cases the people we name have previously been identified in media reports or written about their experiences themselves in blogs or social media.

Interviews with female students or former students were conducted one-on-one in English and Bahasa Indonesia by a female interviewer. We informed interviewees how the information gathered would be used and told them they could decline the interview or terminate it at any point. We also explained there would be no compensation for participation.

Our accounts of specific bullying or intimidation are based on interviews with students and teachers about the specific incident or, where indicated, on secondary media sources that we cross-checked with witnesses with direct knowledge of or involvement in the incidents. In addition, we reviewed an incident in a public high school in Bandar Lampung that was recorded on a mobile phone. The victim shared her 19-minute ordeal inside the school's

counselling room. Another source in Bandung gave us a 30-page letter that she wrote to her mother about jilbab bullying she had experienced. A high school student in Solok, a city near Padang, gave us her school regulation book which sets forth the points system used for punishing students who do not wear the jilbab or wear it incorrectly.⁵¹

⁵¹ Copy on file with Human Rights Watch.

I. Women's Rights and Sharia from the Dutch Indies Period through the Suharto Regime

On December 22, 1928, about 1,000 people attended the Dutch Indies' first women's congress in the city of Yogyakarta, on Java, with 15 speakers representing various organizations. The attendants were mostly Dutch-educated teachers, writing and presenting their speeches in the Malay language (now Bahasa Indonesia). They discussed various issues during the four-day conference: regulations on marriage and divorce, girls' education, child marriage, female laborers, and the women's rights movement in Europe. Polygamy and child marriage, issues related to Sharia, attracted huge debate when secularists and Muslim activist participants advocated divergent views.⁵² The strong influence of the wave of nationalism meant that the underlying spirit of the congress was "countering or managing the existing diverse ideologies and interests with the primary purpose of attaining liberty from Dutch colonialism."⁵³

Debates about women's rights and "Islamic Sharia" continued in the coming decades. Three more women congresses were held in 1935, 1938, and 1941. Women with diverse Islamic views debated polygamy, child marriage, and the mortality rate of young children—but they never mentioned the hijab.⁵⁴ Susan Blackburn, an Australian scholar who focuses on women's rights in Indonesia, contends that during the Dutch colonial period it was easier to smooth over the contradictions within the Islamic world by reference to shared nationalist goals. All anti-colonial activists wanted to be independent, supported nurturing Bahasa Indonesia as the national language, and worked to strengthen civil society groups.⁵⁵

⁵² Susan Blackburn, an Australian scholar at Monash University, Melbourne, collected all the speeches, wrote a detailed introduction, and published them in a 270-page book in 2007. See Susan Blackburn, *Kongres Perempuan Pertama: Tinjauan Ulang* (The First Women Congress: Revisited), Yayasan Obor Indonesia and KITLV, Jakarta 2007.

⁵³ Gadis Arivia and Nur Iman Subono, *A Hundred Years of Feminism in Indonesia: An Analysis of Actors, Debates and Strategies*, Friedrich Ebert Stiftung, September 2017, <http://library.fes.de/pdf-files/bueros/indonesien/13830.pdf> (accessed on January 22, 2021).

⁵⁴ The National Commission on Violence Against Women published a book on the struggle of women's rights in 2014 that included a chapter on the Dutch East Indies period. See *Rekam Jejak Komnas Perempuan: 16 Tahun Menghapus Kekerasan terhadap Perempuan*, Jakarta, 2014.

⁵⁵ Susan Blackburn, "How Do Women Influence Political Islam in Indonesia?" *Qantara*, September 15, 2009, <https://en.qantara.de/content/susan-blackburn-how-do-women-influence-political-islam-in-indonesia> (accessed on July 23, 2020).

The divide between radical and moderate Islamic views, including on women's attire, however, became more difficult to bridge after Indonesia's independence in 1945.⁵⁶ Indonesia's founding president, Sukarno, who led the country from 1945 to 1965, faced increasing pressures from Islamists. In 1965, he passed a blasphemy law, which an accompanying presidential decree conferred official recognition on only six religions: Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism. The Islamists did not advocate to make the hijab mandatory; no law or regulation required women and girls to wear the hijab.⁵⁷

A 1965 photo of Muhammadiyah leaders shows them posing with Sukarno at the State Palace in Jakarta. At the time, Muhammadiyah already had long been Indonesia's second largest Muslim group and Sukarno had been a member since he was a young man. These Muslim leaders presented Sukarno with the Muhammadiyah Star, an award to recognize Sukarno's contribution to the development of the organization. The visitors included 12 top Muhammadiyah female leaders. They all wore a traditional Javanese outfit made up of an unsewn long batik sarong or *jarit* around the waist, a colorful *kebaya* blouse, and a white *kerudung* headscarf partly showing their hair.⁵⁸ It was typical Javanese women's attire.

Alissa Wahid, a Nahdlatul Ulama activist, said that her mother and grandmother, themselves ulamas, also wore *kebaya*, *jarit*, and *kerudung*, and regularly taught the Quran. The Nahdlatul Ulama is the largest Muslim organization in Indonesia. Wahid is the eldest daughter of former president Abdurrahman "Gus Dur" Wahid and Sinta Nuriyah:

My own grandmother [Solichah], Gus Dur's mother, wore a hijab that is not worn by most Muslim women in Indonesia today. She was wearing [something similar to] what I wear. I am wearing this kerudung as a tribute to my grandmother. Solichah is the daughter of a great ulama and the

⁵⁶ The idea of implementing Sharia, especially the Islamic criminal code, is not new in Indonesia. See, for example, Theodore G. Th. Pigeaud and H.J. de Graaf, *Islamic States in Java 1500-1700* (The Hague: Martinus Nijhoff) (noting that Islamic states on Java, especially in the 16th century, had implemented "Islamic Sharia").

⁵⁷ In January 1965, President Sukarno decreed the blasphemy law to appease the Islamists. See Human Rights Watch, *In Religion's Name: Abuses against Religious Minorities in Indonesia*, New York, February 2013, <https://www.hrw.org/report/2013/02/28/religions-name/abuses-against-religious-minorities-indonesia>.

⁵⁸ Mu'arif, "Menengok Jilbab Muhammadiyah Zaman Dulu" (Seeing the Muhammadiyah Jilbab in the Past), *Alif*, May 25, 2018, <https://alif.id/read/muarif/menengok-jilbab-muhammadiyah-zaman-dulu-b209433p/> (accessed on May 21, 2019).



Upatjara telah selesai, diabadikan dimuka istana.

Muhammadiyah leaders present President Sukarno in the State Palace in Jakarta with a medal called the Muhammadiyah Star, April 10, 1965. ©1965 Bintang Muhammadiyah

daughter-in-law of another great ulama. Her husband is also a great ulama. Her son, Gus Dur, is my father, also a great ulama. Hijab has historically multiple interpretations. I am worried about today's single interpretation.⁵⁹

Suharto and the Sidelining of Islamists

On September 30, 1965, a failed coup against President Sukarno claimed the lives of six army generals. The events surrounding the coup attempt remain unclear and some participants themselves described it as an internal military affair, but General Suharto soon took power and his government maintained that the Indonesian Communist Party was exclusively responsible for the coup attempt. From 1965 to 1967, the military and vigilantes carried out a bloodbath against leftists and suspected sympathizers, including many left-leaning feminists, in Java, Bali, Sumatra, Kalimantan, and other parts of

⁵⁹ Human Rights Watch interview with Alissa Wahid, Yogyakarta, June 13, 2019.

Indonesia. Estimates of the number of people killed range from several hundred thousand to three million.⁶⁰

Throughout his three decades in power, Suharto used Pancasila, the Indonesian state philosophy established in 1945, to control the country, including organizations considered to be supporters of “political Islam.” He rejected the idea to revive Masyumi, an Islamist party banned during the Sukarno period, and pressured all Muslim parties to make Pancasila their platform instead of Islam.⁶¹

On March 17, 1982, the Ministry of Education under Daoed Joesoef issued a decree on student uniforms in state schools. It was the first time in Indonesia that the government regulated school uniforms nationwide. It created three categories: red and white for primary school students (grades one to six); blue and white for junior high school students (grades seven to nine); and gray and white for senior high school students (grades 10 to 12). The categories were based on Indonesia’s existing school system. The decree removed the autonomy of state schools to regulate their own uniforms. It also implicitly banned schoolgirls from wearing the hijab as it did not include any type of headscarf as a choice for girls’ uniforms in any of the categories.⁶²

Siyohelpiyanti, a school supervisor, told Human Right Watch that when she was in high school in Jakarta in the 1980s her friend was prohibited from wearing the hijab. “Her teacher forced students to take off their hijabs,” she said.⁶³ Some schools expelled students who wore the headscarf.⁶⁴

⁶⁰ Oei Tjoe Tat, a Sukarno cabinet minister who led a fact-finding mission in 1966, estimated 780,000 people were killed in 1965-1966. But Gen. Sarwo Edhie Wibowo, who led the military operation against the communists, told a parliamentarian delegate in 1989 on his deathbed that around three million people were killed. See Oei Tjoe Tat et al., *Memoar Oei Tjoe Tat: Pembantu Presiden Soekarno* (Memoar Oei Tjoe Tat: Assistant to Presiden Soekarno), (Jakarta: Hasta Mitra, 1995); Tempo, *Sarwo Edhie dan Misteri 1965* (Sarwo Edhie and the 1965 Mystery), Jakarta: Kepustakaan Populer Gramedia, 2012.

⁶¹ Rémy Madinier, *Islam and Politics in Indonesia: The Masyumi Party between Democracy and Integralism* (Singapore: NUS Press, 2015).

⁶² Darmaningtyas, *Pendidikan Yang Memiskinkan* (Education That Marginalizes) (Yogyakarta: Galang Press, 2004). Human Rights Watch also interviewed Doni Koesoema, an education consultant in Jakarta, June 12, 2014.

⁶³ Human Rights Watch interview with Siyohelpiyanti, Solok, West Sumatra, May 16, 2014. It was quite common to ban Muslim students from wearing hijabs in the 1980s in Jakarta. See Alwi Alatas, Fifi Desliyanti, *Revolusi jilbab: Kasus pelarangan jilbab di SMA Negeri Se-Jabotabek, 1982-1991* (Jakarta: Ishom, 2002).

⁶⁴ Dhanita Sarahtika, “The Politics of Hijab in Indonesia,” *Jakarta Globe*, May 8, 2018, <https://jakartaglobe.id/culture/politics-hijab-indonesia/> (accessed on January 22, 2021).

The 1982 regulation came into effect three years after the 1979 Islamic revolution in Iran as well as the 1979 seizure of the Great Mosque of Mecca, Islam's holiest site, which helped trigger the rivalry between Iran and Saudi Arabia and fueled debates over the "politics of piety" in the Muslim world, including the place of female Muslim attire. In Indonesia, the increasing number of Muslim clerics who studied in Saudi Arabia and the Middle East advocated for a dress code for women based on Arabian norms, as well as other conservative restrictions on women imposed in the Gulf region.⁶⁵



Student journalists and activists at the Islamic State University in Yogyakarta after a campus discussion in the 1970s. During Suharto rule, the hijab was rarely worn in state schools such as this Islamic college. ©1976 Arena

⁶⁵ Saba Mahmood of the University of California, Berkeley, described the role of the Iranian Revolution in spreading the use of niqab in her book, *Politics of Piety: The Islamic Revival and the Feminist Subject* (New Jersey: Princeton University Press, 2011). Terence Ward describe the two-week seizure of the Grand Mosque of Mecca as a "political tectonic shift" that prompted the Saudi ruling family to launch a global campaign on Wahhabism in his book *The Wahhabi Code: How the Saudis Spread Extremism Globally* (New York: Arcade Publishing, 2018).

Muslim activists opposed the school uniform regulation over its implicit ban of the hijab and used it as a rallying point for protests against Suharto's military-backed regime. Some students who wore the hijab were questioned in different locations in Java and Sumatra and cited two Quranic verses that they interpreted as requiring Muslim girls and women to wear it.⁶⁶ Some commentators suggest that the regulation helped unite previously diffuse Muslim ethnic groups.⁶⁷

In 1991, Suharto reversed his approach to religion and politics. He made a pilgrimage to Mecca, flaunted his Islamic credentials, embraced political Islam, and extended his support for the Indonesian Association of Muslim Intellectuals, where many Islamists were to channel their political aspirations.⁶⁸ On February 16, 1991, the Ministry of Education issued a guideline on school uniforms that allowed “special clothing” (*pakaian khas*), but did not use the term “jilbab” or “hijab” as some Muslim organizations had sought.⁶⁹

After more than three decades in power, in 1998 Suharto was forced to step down after massive public protests at the height of the Asian economic crisis. This opened an era of greater freedom in Indonesia that has since included regular and largely free and fair elections for parliament and the presidency.

Viewpoints long repressed emerged into the open. Many ethnic and religious groups promptly tried to create a new social reality, demanding more say in political, economic, and cultural domains. Some became involved in deadly conflicts, including in the province of Aceh, where the Free Aceh Movement had been fighting for independence since the

⁶⁶ The Quran's surah 24, verse 31 says: “And tell the believing women to lower their gaze and be modest, and to display of their adornment only that which is apparent, and *to draw their veils over their bosoms*, and not to reveal their adornment save to their own husbands or fathers or husbands' fathers, or their sons or their husbands' sons, or their brothers or their brothers' sons or sisters' sons, or their women, or their slaves, or male attendants who lack vigor, or children who know naught of women's nakedness.” The Quran's surah 33, verse 53 says: “Believers do not enter the houses of the Prophet for a meal without permission. If you are invited, you may enter, but be punctual When you want to ask something from the wives of the Prophet, ask them from *behind the curtain*. This would be more proper for you and for them. You are not supposed to trouble the Prophet or to ever marry his wives after his death, for this would be a grave offense in the sight of God.” Emphasis added.

⁶⁷ Historians have chronicled cases in Java where Muslim students chose to quit going to state schools due to the ban. See “Jilbab Terlarang di Era Orde Baru” (Jilbab was Banned in the New Order Era), *Historia*, February 28, 2018, <https://historia.id/kultur/articles/jilbab-terlarang-di-era-orde-baru-6k4Xn> (accessed February 25, 2021).

⁶⁸ Adam Schwarz, *A Nation in Waiting: Indonesia's Search for Stability* (Boulder, Colorado: Westview Press, 1999).

⁶⁹ Muhammad Cheng Ho, “30 Tahun Perjuangan Melawan Larangan Jilbab” (30 Years Fighting Against the Jilbab Ban), *Hidayatullah*, November 22, 2015, <https://www.hidayatullah.com/kajian/sejarah/read/2015/11/22/83688/30-tahun-perjuangan-jilbab-2.html> (accessed on July 23, 2020).

1970s. A strong thread of Islamist militancy emerged in different parts of the country. At least 90,000 people were killed in mostly communal violence in the decade after Suharto's departure from office.⁷⁰

⁷⁰ Andreas Harsono, *Race, Islam and Power: Ethnic and Religious Violence in Post-Suharto Indonesia* (Melbourne: Monash University Publishing, 2019).

II. Rise of Political Islam and Sharia-Inspired Regulations Since Suharto

The Aceh Precedent

In an attempt to end a longstanding separatist movement and armed conflict in the province of Aceh, the Indonesian parliament in 1999 granted “Special Status” and broad autonomy to Aceh, including allowing it to adopt ordinances derived from Sharia, the only province given authority to do so.⁷¹ In 2002, the Aceh parliament passed a bylaw on “the belief, ritual, and promoting Islam,” which contains a mandatory jilbab regulation along with other Sharia-inspired provisions, such as making sex between unmarried adults and *khalwat* (a man and a woman together in private) crimes. In 2003, Aceh set up its own Sharia court and Sharia police (*wilayatul hisbah*).⁷² In 2004, the Aceh parliament passed the Islamic Criminal Code (Qanun Jinayah).⁷³

The Special Status agreement had the unintended consequence of emboldening religious conservatives elsewhere in Indonesia. In 2001, Indramayu regency in West Java issued a decree on “mandatory Islamic dress code and the Quran literacy for school students,” thereby becoming the first local government other than Aceh to issue a mandatory jilbab regulation.⁷⁴ Banten province soon followed, issuing its own ordinance.⁷⁵ In South Sulawesi province, six of the 24 regencies declared implementation of Sharia, including Bulukumba, Enrekang, Gowa, Maros, Takalar, and Sinjai.⁷⁶ West Sumatra and Riau

⁷¹ The Sharia was implemented in Indonesia with the establishment of the Islamic courts in 1830 under the Netherlands Indies’ colonial rule, accommodating many sultanates’ legal systems on Java and Sumatra. In January 1946, Indonesia also established the Ministry of Religious Affairs to ensure that Muslims were able to receive “Islamic services” from the government, such as haj management and Islamic schools. See: Direktorat Jenderal Badan Peradilan Agama Mahkamah Agung, “Sejarah Peradilan Agama” (History of Religious Court), March 11, 2014, <https://badilag.mahkamahagung.go.id/sejarah/profil-ditjen-badilag-1/sejarah-ditjen-badilag> (accessed on January 20, 2021)

⁷² Human Rights Watch, *Policing Morality: Abuses in the Application of Sharia in Aceh, Indonesia* (New York: Human Rights 2010), <https://www.hrw.org/report/2010/11/30/policing-morality/abuses-application-sharia-aceh-indonesia>.

⁷³ “Indonesia: Aceh’s New Islamic Laws Violate Rights,” Human Rights Watch news release, October 2, 2014, <https://www.hrw.org/news/2014/10/02/indonesia-acehs-new-islamic-laws-violate-rights>.

⁷⁴ See Appendix 1, Mandatory Hijab Regulations in Indonesia.

⁷⁵ Ibid.

⁷⁶ The Ministry of Law and Human Rights called the Islamic regulations in these 92 regencies “problematic local ordinances.” See Ministry of Law and Human Rights, “Peraturan Daerah Yang Di Permasalahan” (Problematic Local Ordinances). The posting is not dated but includes the six regencies and the years when the ordinances were issued:

provinces also passed Sharia-derived regulations. In East Java, Pamekasan regency on Madura Island declared a Sharia regulation, mandating that Muslim women and girls wear the jilbab in public.⁷⁷

On October 14, 2002, Aceh Governor Abdullah Puteh signed a *qanun* (ordinance) on aspects of “belief, ritual, and promotion of Islam” that required all Muslims in the province to wear Islamic attire. This was defined as clothing that covers the *aurat* for men, the area of the body from the knee to navel. For women, it required covering the entire body except for the hands, feet, and face. The ordinance specified that “Islamic clothing” (*busana Islami*) must not be transparent or reveal the shape of the body.⁷⁸ Human Rights Watch has previously documented that some of those suspected of violating the ordinance have been violently assaulted or had their homes broken into by vigilante groups, who have largely acted with impunity.⁷⁹

Aceh immediately became the exemplar for conservative political leaders elsewhere in Indonesia who supported the adoption of new Islamic ordinances, including mandatory jilbab regulations, to demonstrate their piety and gain political support.

Discriminatory Regulations Begin to Spread

Local governments began to issue new jilbab rules during the presidency of Megawati Sukarnoputri. On Java, Indonesia’s most populous island, the first jilbab ordinances were

<http://ditjenpp.kemenkumham.go.id/perkembangan-harmonisasi-rpp-tahun-2011/50-kajian-dan-inventarisasi-perda/157-peraturan-daerah-yang-bernuansa-syariat-islam.html> (accessed on July 23, 2020). Antara news service also published a story about Bulukumba in South Sulawesi: “Perda Syariah Bulukumba Juga Didukung non-Muslims” (Bulukumba’s Sharia Ordinance Gets Supports from Non-Muslims), *Antara*, July 25, 2006, <https://www.antaranews.com/berita/38591/perda-syariah-bulukumba-juga-didukung-non-muslim> (accessed on July 23, 2020).

⁷⁷ Pradana Boy, *Fikih Jalan Tengah: Dialektika hukum Islam dan Masalah-masalah masyarakat modern* (Middle Road Theology: The Dialectics of Islamic Law and the Problems of Modern Society) (Jakarta : Hamdalah, 2008). Aceh has also been a negative model on LGBT rights. In September 2014, the Aceh provincial parliament approved an Islamic criminal code that creates new discriminatory offenses that do not exist in the Indonesian national criminal code. It extends Sharia to non-Muslims and criminalizes consensual same-sex sexual acts as well as all zina (sexual relations outside of marriage). It also prohibits liwath (sodomy) and musahaqah (lesbian relations). This anti-LGBT action soon spread to other parts of Indonesia, including Java, Sumatra, and Sulawesi.

⁷⁸ *Pelaksanaan Syariat Islam Bidang Aqidah, Ibadah dan Syi’ar Islam* (Implementation of the Islamic Sharia on Belief, Ritual and Promotion of Islam), Aceh Qanun no. 11/2002, http://www.jdih.setjen.kemendagri.go.id/files/P_ACEH_11_2002.pdf (accessed May 28, 2020), art. 13(1). Art. 13(2) says that Aceh government officials should enforce “the Islamic clothing” on their female employees and schoolgirls in their respective areas.

⁷⁹ Human Rights Watch, *Policing Morality: Abuses in the Application of Sharia in Aceh, Indonesia* (New York: Human Rights Watch, 2010) <https://www.hrw.org/report/2010/11/30/policing-morality/abuses-application-sharia-aceh-indonesia>.

announced in some regencies in West Java province in 2001. One of the first areas in Sumatra other than Aceh to issue a mandatory jilbab regulation was Solok regency in West Sumatra province. Also, in 2001, Zainal Bakar of West Sumatra was the first governor to issue a mandatory jilbab decree for all female civil servants.⁸⁰

On March 11, 2002, Solok Regent Gamawan Fauzi issued a 15-article regulation on Muslim attire aimed at schoolgirls and civil servants. It mandates girls and women to wear the jilbab. The regulation states that it only applies to Muslims and specifies sanctions and disciplinary action against Muslim women who do not comply.⁸¹ Other regencies in West Sumatra, such as Pesisir Selatan, Tanah Datar, Sijunjung, Pasaman, and Agam, issued similar regulations.

In June 2004, Maman Sulaiman, the regent of Sukabumi, the biggest regency on Java, issued a local ordinance requiring the jilbab for female Muslim students. It not only called for Muslim schoolgirls to wear jilbabs, both in public and private schools, but also required the hijab for kindergarten pupils. It also warned “non-Muslim schools”—a reference to private Catholic schools—not to prevent Muslim girls from following this requirement.⁸²

Proliferation of Jilbab Regulations During Yudhoyono Administration

Susilo Bambang Yudhoyono was elected president and then sworn into office in October 2004. He was reelected in 2009 and served until 2014. During his two terms in office,

⁸⁰ See Appendix 1 on the Mandatory Hijab Regulations in Indonesia.

⁸¹ Article 11 states that, “Any violation of the provisions of this Regional Regulation is subject to the following sanctions:

a) For civil servants, lecturers, teachers, and others are subject to sanctions according to the official Employee Discipline provisions.

b) For students and university students are subject to sanctions in the following level: 1. Reprimanded orally; 2. Reprimanded in writing; 3. Notifying parents; 4. Not allowed to take classes at school; 5. Expelled or moved from school.

c) For committees that organize official event are subject to sanctions in the form of verbal reprimand if the committee members do not mention in the invitation. See: Solok Regent Gamawan Fauzi, “Peraturan Daerah Kabupaten Solok No. 6 Tahun 2002 tentang Berpakaian Muslim Dan Muslimah di Kabupaten Solok” (Local Ordinance of Solok Regency No. 6/2002 on the Dresscode of the Muslims), March 11, 2002, <http://ditjenpp.kemendikham.go.id/files/ld/2002/solok6-2002.pdf> (accessed on April 21, 2020).

⁸² “Islamic Clothing for All School and University Students in Sukabumi (*Pemakaian Busana Muslim bagi Siswa dan Mahasiswa di Kabupaten Sukabumi*), Sukabumi Regent Instruction No. 4/2004 on June 22, 2004. A copy is available upon request.

jilbab regulations spread throughout much of Indonesia, particularly in populous areas in Java, Sumatra, and Sulawesi.⁸³

Yudhoyono's administration repeatedly turned a blind eye to violence, threats, and intimidation by Islamist militants against religious minorities such as Christians, Hindus, Buddhists, traditional faith practitioners, and Shia, Ahmaddiyah, and other non-Sunni Muslims.⁸⁴

In March 2005, Mayor Fauzi Bahar of Padang, the capital of West Sumatra, issued a decree on Muslim attire entitled, "Implementing the Requirement that Teenagers Recite the Quran in the Morning, Anti-Lottery/Drugs, and Islamic Attire for Muslim/Muslimah Students at Primary Schools, Junior High Schools, and Senior High Schools in Padang." Article 10 of the decree states that, "Muslim students at primary schools, Islamic madrasah, junior high schools, and senior high schools must wear Muslim/Muslimah attire; non-Muslims should adopt [long skirts for girls and long pants for boys]." ⁸⁵

On its face the decree appears to be gender neutral. However, as schoolboys already wore long pants to school, only girls were affected. Muslim girls were now required to wear the jilbab, a long-sleeve shirt, and a long skirt, and non-Muslim girls were required to wear a long skirt. On March 30, 2005, the Ministry of Education in Padang sent a circular to all public and private schools attaching Mayor Bahar's decree and instructing all principals to implement the jilbab rule for Muslim girls.⁸⁶

⁸³ Imam Shofwan, "Syariat Islam: Mimpi Buruk Kaum Minoritas" (Islamic Sharia: Nightmares for the Minorities), *Pantau*, September 12, 2014, <https://pantau.or.id/liputan/2014/09/syariat-islam-mimpi-buruk-kaum-minoritas/> (accessed May 22, 2019).

⁸⁴ In many cases in which the security forces and prosecutors did intervene, the result was charges against victims for "blasphemy" or "creating unrest." Human Rights Watch, *In Religion's Name: Abuses against Religious Minorities in Indonesia* (New York: Human Rights Watch, 2013), <https://www.hrw.org/report/2013/02/28/religions-name/abuses-against-religious-minorities-indonesia>; Andreas Harsono, "Undoing Yudhoyono's Sectarian Legacy," *New Mandala*, May 13, 2014, <http://www.newmandala.org/undoing-yudhoyonos-sectarian-legacy/> (accessed May 25, 2019).

⁸⁵ Pelaksanaan Wirid Remaja Didikan Subuh Dan Anti Togel/Narkoba serta Berpakaian Muslim/Muslimah Bagi Murid/Siswa Sd/Mi, Sltp/Mts Dan Slta/Smk/Ma di Padang, Padang Mayor Instruction no. 451.442/2005. A copy is available upon request.

⁸⁶ Elsam, "Report: Monitoring on the Ordinance no. 6/2003 on the Requirement to Read the Quran in Primary Schools and the Padang Mayor Instruction no. 451.442/2005 on Implementing the Requirement that Teenagers Recite the Quran in the Morning, Anti-Lottery/Drugs, and Islamic Attire for Muslim/Muslimah Students at Primary Schools, Junior High Schools, and Senior High Schools in Padang (*Laporan Hasil Pemantauan terhadap Perda No. 6/2003 Tentang Wajib Pandai Baca Al-Qur'an Bagi Peserta Didik Sekolah Dasar Dan Madrasah Ibtidaiyah; dan Intruksi Walikota Padang No; 451.442/Binsos-Iij/2005 tentang Pelaksanaan Wirid Remaja Didikan Subuh dan Anti Togel/Narkoba Serta Berpakaian Muslim/Muslimah Bagi Murid/Siswa Sd/Mi, Sltp/Mts Dan Slta/Smk/Ma di Padang*), October 2008,

In August 2005, Gamawan Fauzi, the governor of West Sumatra, issued a circular calling on all Muslims to wear Islamic attire; this included women and girls in all public spaces.⁸⁷ Fauzi would play a key role in regulating women's and girls' clothing. In 2009, Yudhoyono promoted him to be the home affairs minister. Fauzi promoted the adoption of Sharia provisions in predominantly Muslim provinces throughout Indonesia.

Also, in 2005, South Kalimantan Governor Rudy Ariffin issued a decree requiring women civil servants to wear a hijab and long skirt.⁸⁸ On December 30, 2005, Nadjamuddin Aminullah, the regent of Maros, South Sulawesi, signed a local ordinance on Muslim attire stating that sanctions would be enforced against Muslim civil servants and students who did not wear the jilbab.⁸⁹ As in Sumatra, this local ordinance spread to nearby areas. Five other South Sulawesi regencies—Bulukumba, Enrekang, Gowa, Takalar, and Sinjai—followed suit and passed local ordinances. In time, it spread further to regencies in other provinces in Sulawesi, such as Gorontalo.

2014 National Regulation on State School Uniforms

The Indonesian state school uniform regulation started with the case of a Muslim schoolgirl prohibited from covering her head at school.⁹⁰

http://lama.elsam.or.id/downloads/1273476285_draft_Laporan_monitoring_-_Padang_2008.pdf (accessed on May 29, 2020).

⁸⁷ Andy Yentriyani, Azriana, Ismail Hasani, Kamala Chandrakirana, Taty Krisnawaty, *Atas Nama Otonomi Daerah: Pelembagaan Diskriminasi Dalam Tatahan Negara-Bangsa Indonesia* (Jakarta: Komnas Perempuan, 2010), https://www.komnasperempuan.go.id/file/pdf_file/Modul%20dan%20Pedoman/PP2_Atas%20Nama%20Otonomi%20Daerah.pdf (accessed on May 25, 2020), p. 126. The report cited that letter entitled, "A Call to Implement the Muslimah Dresscodes in All Ministries/Agencies/Offices/Institutions in West Sumatra Province" (*Surat Himbauan Gubernur No. 260/421/X/PPR-05 tentang Himbauan Bersikap dan Memakai Busana Muslimah kepada Kepala Dinas/Badan/Kantor/Biro/Instansi di Provinsi Sumatera Barat*).

⁸⁸ "Dresscode During Office Hours in South Kalimantan Province" (*Tertib Berpakaian Dalam Jam Kerja di Provinsi Kalimantan Selatan*), South Kalimantan Governor Letter no. 065/ 2005, <https://tatalaksanakalsel.files.wordpress.com/2013/09/pelembagaan-dinas-ke-gub.pdf> (accessed on May 29, 2020). South Kalimantan, a relatively conservative Muslim area, has 11 regencies and 2 cities. It was the site of the Darul Islam (Islamic State) rebellion in the 1950s.

⁸⁹ "Muslim and Muslimah Dresscodes in Maros Regency" (*Berpakaian Muslim dan Muslimah di Kabupaten Maros*), Ordinance no. 16/2005, <http://makassar.bpk.go.id/wp-content/uploads/2010/10/PERDA-NO.16-TAHUN-2005-TTG-PAKAIAN-MUSLIM-MUSLIMAH.pdf> (accessed on May 29, 2020). Art. 6 (1) says all civil servants should wear Islamic clothing. Art. 6 (2) says "ordinary people" (*masyarakat umum*) should wear Islamic clothing in their "daily activities." Art. 11 mentions several sanctions including demotion and dismissal for civil servants. Ordinary people might lose their government-issued license or permit. It also says that non-Muslims should "adopt" to this Islamic clothing ordinance. South Sulawesi is also an area where a Darul Islam rebellion took place in the 1950s.

⁹⁰ Human Rights Watch opposes both forced veiling and disproportionate bans on the wearing of religious dress as discriminatory interference with basic rights and has repeatedly criticized governments for excessive regulation of dress. See Appendix 2: Human Rights Watch Work on Headscarf Bans and Requirements in Other Countries.

In January 2014, SMAN2 Denpasar public high school in Hindu-majority Bali and the Ministry of Education received a complaint after a Muslim student, Anita Wardhani, was not allowed to wear her hijab. The school argued that it was enforcing a school uniform rule that applied equally to all students and did not allow any head covering.⁹¹ The controversy died down without much media coverage after the school allowed Wardhani to wear her hijab.

School principal Ida Bagus Sweta Manuaba told Human Rights Watch that Wardhani was already in her last semester, euphemistically saying, “We did not ban her hijab but asked her to delay wearing it [until her graduation].” The ban prompted the Ministry of Education to summon school officials to Jakarta. Manuaba said the authorities ordered the school to change its policy. “Now you see Muslim students in this school wearing hijab,” he said.⁹²

Five months later, on June 9, 2014, the education and culture minister, Mohammad Nuh, a member of President Yudhoyono’s cabinet, issued a school-uniform regulation, including a provision outlining requirements for school uniforms that include the jilbab for Muslim girls.

The 2014 regulation specifies a national uniform and a variation for Muslim girls. There is no reference to any other religions or other group identities that might warrant a variation on the otherwise standard school uniform.

Illustrations in appendices, which are part of the regulation, show two options for boys, one with long pants and one with shorts. For girls, the illustrations show long-skirt and regular-length-skirt options, but include a third illustration, the “Muslim girl” (Muslimah) uniform, which is the long-skirt and long-sleeve shirt option with the addition of a jilbab. The regulation applies to all state schools in the country, and individual schools are not allowed to adopt different uniforms or abolish them altogether.⁹³

⁹¹ “Larangan Jilbab, SMAN2 Denpasar Berlindung dengan Aturan Sekolah” (The Banning of Jilbab, SMAN2 Denpasar Uses the School Dresscode), *Republika*, January 6, 2014, <https://www.republika.co.id/berita/nasional/hukum/14/01/06/myz8y6-larangan-jilbab-sman-2-denpasar-berlindung-dengan-aturan-sekolah> (accessed on August 7, 2019).

⁹² Human Rights Watch interview with Ida Bagus Sweta Manuaba, Denpasar, October 11, 2019.

⁹³ The regulation divides the uniform into three school-specific variations (primary school, junior high school, and senior high school) that allow for the addition of school-specific badges on certain days: “Peraturan Menteri Pendidikan dan Kebudayaan tentang Pakaian Seragam Sekolah Bagi Peserta Didik Jenjang Pendidikan Dasar dan Menengah” (Minister of Education and Culture Regulation on School Uniform for Primary and High Education), no. 45/2014, http://simpuh.kemenag.go.id/regulasi/permendikbud_45_14.pdf (accessed on August 7, 2019).

The regulation includes broad language acknowledging freedom of religion (e.g., “school uniforms are to be dealt with [*diatur*] by each school with consistent attention to the rights of each citizen to follow their own religion,”) and even the definition of the Muslim girl uniform refers to the “personal beliefs” of the girl (“The Muslim girl uniform is a uniform worn by Muslim girls because of their personal religious beliefs [*karena keyakinan pribadinya*] ...”).



Attachment I.A.3. Illustration of Elementary School Uniforms - Including the Muslimah Uniform:

A. White shirt with long sleeves covering the entire arm, with one pocket on the left side and tucked inside the skirt; B. White jilbab; C. Red long pleated skirt covering entire legs, no pockets, with waist belt; D. Waist belt 3 cm in width; E. White socks, with at least 10 cm above the heel; and F. Black shoes

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B. JUNIOR HIGH/SPECIAL JUNIOR HIGH SCHOOL UNIFORM

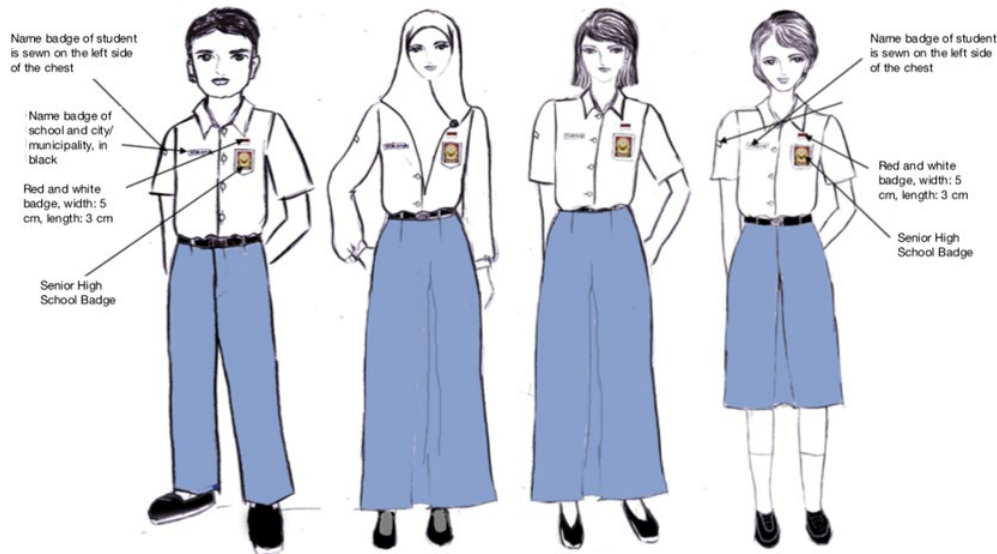


Attachment I.B.3. Illustration of Junior High School Uniforms - Including the Muslimah Uniform:

A. White shirt with long sleeves covering the entire arm, with one pocket on the left side; B. White jilbab; C. Blue long skirt, with one pleat in front, zipped in the back, pockets on both sides of the skirt, with waist belt; D. Waist belt 3 cm in width; E. White socks, with at least 10 cm above the heel; and F. Black shoes

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C. SENIOR HIGH/SPECIAL SENIOR HIGH SCHOOL UNIFORM



Attachment I.C.3. Illustration of Senior High School Uniforms - Including the Muslimah Uniform:

A. White shirt with long sleeves covering the entire arm, with one pocket on the left side; B. White jilbab; C. Grey long skirt, with one pleat in front, zipped in the back, pockets on both sides of the skirt, with waist belt; D. Waist belt 3 cm in width; E. White socks, with at least 10 cm above the heel;

and F. Black shoes © 2014 Republic of Indonesia Ministry of Education and Culture

In a 2019 interview with Human Rights Watch, Mohammad Nuh, the minister who signed the regulation, and now the chairman of the Press Council, stressed that he did not include the word “mandatory” (*wajib*) in the regulation, explaining that the regulation provides two uniform choices: a long sleeve shirt, long skirt and the jilbab, and the regular uniform without the jilbab. He said:

There’s a genuine public aspiration to have these schoolgirls wearing jilbab. I do not object. I wrote that regulation. But it’s not mandatory. I did not write the word “mandatory.” Any Muslim girl, any schoolgirl basically, from primary to high school, could choose, wearing jilbab or not. If a Muslim schoolgirl chooses not to wear a jilbab—the jilbab uniform—it’s not a problem. She could choose to do that. She should not face any sanction. It should be a free choice. I still see many Muslim girls not wearing jilbab. It’s totally fine. If there’s a state school that makes it mandatory for a Muslim girl to wear jilbab, please report that school to the Ministry of Education and Culture.⁹⁴

In practice, however, the 2014 regulation has been understood in many regencies and provinces as requiring a headscarf for all Muslim girls. In areas that have adopted this approach, a girl from a Muslim family who wished to be exempted from wearing the “Muslim girl” uniform would have to tell school authorities that she is not a Muslim, something girls from Muslim families are very unlikely to do—nearly all consider themselves Muslim even if they do not want to wear a jilbab.

⁹⁴ Human Rights Watch interview with Mohammad Nuh, Jakarta, November 13, 2019.



Pramuka (Girl Scouts) wearing the required hijab on their weekly Sunday morning outing in Jakarta. Many schoolgirls complain that the heavy brown uniform makes outdoor activities hot and uncomfortable.

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This regulation prompted provincial and local education offices to introduce new rules, which in turn promoted thousands of state schools, from primary to high schools, to rewrite their school uniform policies to require the jilbab for Muslim girls, especially in Muslim-majority areas. In such schools, Muslim girls are required to wear a jilbab as well as long-sleeve shirts and long skirts.⁹⁵

⁹⁵ Indonesia has nearly 300,000 state schools, from kindergartens to high schools. See “2016, Jumlah Sekolah Hampir Mencapai 300 ribu unit,” *Katadata*, November 15, 2016, <https://databoks.katadata.co.id/datapublish/2016/11/15/2016-jumlah-sekolah-hampir-mencapai-300-ribu-unit> (accessed on August 7, 2019).

III. Jilbab in Schools

The teachers use scissors. They cut the female students' clothes if the shirts were considered not meeting the school regulation, too tight or too short. Then the students get this mark on their disciplinary book. They lost some points. No students dare not to wear the jilbab to go to school. A classmate got expelled from the school when she was protesting a teacher telling her to wear a jilbab.

—16-year-old student at public high school in Solok, West Sumatra, August 2019

Indonesia has more than 297,000 state schools (*sekolah negeri*). They are divided into five educational categories: approximately 85,000 kindergartens; 147,000 primary schools; 37,000 junior high schools; 12,000 senior high schools; and 12,000 technical high schools.⁹⁶ Indonesia's Ministry of Religious Affairs also administers its own Islamic public schools—from elementary to senior high school—exclusively for Muslim students.

The Ministry of Education and Culture in Jakarta oversees state schools around the country through complex arrangements with local governments. Indonesia's universities are mostly private institutions, although the Ministry of Education and the Ministry of Religious Affairs jointly administer 550 state universities.⁹⁷

It is not clear how many state schools, especially in Indonesia's 24 predominantly Muslim provinces, have compulsory hijab regulations for their Muslim students. The number of

⁹⁶ "2016, Jumlah Sekolah Hampir Mencapai 300 ribu Unit" (2016, the Number of Schools Have Reached 300,000 Units), Katadata, November 15, 2016: <https://databoks.katadata.co.id/datapublish/2016/11/15/2016-jumlah-sekolah-hampir-mencapai-300-ribu-unit>. In Indonesia, state schools (*sekolah negeri*) are named after their locations and levels. A public junior high school in Solok, for instance, is named Solok Public Junior High School (*Sekolah Menengah Pertama Negeri Solok* or *SMPN Solok*). If an area has more than one state school, they are usually numbered, such as *SMPN1 Solok* and *SMPN2 Solok*. Five acronyms are common nationwide: *TKN* (*Taman Kanak-Kanak Negeri*) for public kindergartens; *SDN* (*Sekolah Dasar Negeri*) for public elementary schools; *SMPN* (*Sekolah Menengah Pertama Negeri*) for public junior high schools; *SMAN* (*Sekolah Menengah Atas Negeri*) for public senior high schools; and *SMKN* (*Sekolah Menengah Kejuruan Negeri*) for public technical high schools.

⁹⁷ See Hal Hill and Thee Kian Wie, "Indonesian Universities: Rapid Growth, Major Challenges," in Daniel Suryadarma and Gavin W. Jones (eds), *Education in Indonesia* (Singapore: ISEAS–Yusof Ishak Institute, 2013).

localities and schools requiring the hijab is growing, as are the number requiring clothing that covers more and more of girls' hair and bodies.

In schools in some conservative areas, it is not only Muslim girls who are required to wear hijabs. Human Rights Watch interviewed dozens of non-Muslim girls, mostly Christians, who said that they were forced to wear the jilbab uniform even though they did not want to wear it on faith grounds.⁹⁸

These hijab regulations violate Indonesia's obligations under international human rights law to protect the rights to freedom of religion and expression, the rights to privacy and personal autonomy, the best interests of the child, and the right to education, as in many cases schoolgirls are pressured not only to wear clothing, they dislike but also to leave their schools, temporarily or permanently, if they fail to comply. Those who were not forced to leave still described harm to their education, including bullying, humiliation, and lower grades for not wearing hijab.

Pressure and Bullying in Schools

Indonesian state schools use a combination of psychological pressure, public humiliation, and sanctions to persuade girls to wear the hijab. This environment encourages peer pressure and bullying by teachers and fellow students to ensure that "good Muslim girls" wear a hijab. Human Rights Watch found instances in which school officials dropped the jilbab requirement following a parent's complaint to the government. But for the most part, state schools are, at best, failing to protect girls from harassment and bullying that interferes with their education and, at worst, encouraging and perpetrating them.

Nadya Karima Melati, now a 24-year-old activist, spoke about the three difficult years she had to endure facing bullying and pressure from teachers to wear the jilbab after she enrolled at SMAN2 senior high school in Cibinong, Bogor regency, near Jakarta. She came from a private middle school where girls did not wear jilbabs or long skirts and so, before she enrolled at the public high school, she spoke to teachers there about school uniforms. She was told that the school had two options for girls, one with the jilbab and one without, and she could choose the latter option. When she went to buy her uniform at the school,

⁹⁸ See multiple interviews with Christian schoolgirls in chapter IV in this report.

however, she found there was only one option. As she put it: “I felt like I was being cheated. All new students wore jilbab. In fact, all female students in this school wore jilbabs. It was mandatory.”⁹⁹

In her first year, Melati wore a jilbab when entering the school compound but took it off inside the classroom. She said that the teachers did not accept this and “advised” her to wear a jilbab inside the classroom. She reluctantly followed the request. In her second year, Melati said she rebelled by taking off her jilbab after she walked out the school gates.

Melati’s high school has a chapter of the Rohani Islam (Islamic Spiritual Guidance), an extracurricular Islamic prayer network established in many high schools in Indonesia, associated with the Indonesia affiliate of the Muslim Brotherhood. Whether or not a Muslim girl wears the jilbab is one of the first ways the Rohani Islam measures their piety.¹⁰⁰



A teacher and students at SMAN2 public high school in Cibinong, Bogor. © 2018 Michelle Winowatan/Human Rights Watch

⁹⁹ Human Rights Watch interview with Nadya Karima Melati, Jakarta, July 24, 2018.

¹⁰⁰ Didin Nurul Rosiden, “Muslim Fundamentalism in Educational Institutions: A Case Study of Rohani Islam in Cirebon,” in Jajat Burhanudin and Kees van Dijk (eds), *Islam in Indonesia: Contrasting Images and Interpretations* (Amsterdam: Amsterdam University Press, 2013).

Rohani Islam began in the late 1970s in West Java, gradually setting up branches in many schools throughout Java and Sumatra. It usually operates under the guidance of the Islamic class teacher in each school.¹⁰¹ Analysts describe it as the driving force to radicalize high school students in Indonesia.¹⁰²

Melati said she faced serious peer pressure from this group, whose members often criticized her for not always wearing the jilbab. The school's Islamic teacher, who even opposed the teaching of singing in the school, was the dominant voice within this network.¹⁰³

Melati said that her struggle with the jilbab also took place at home. Melati's mother, herself an Islamist activist who had struggled against President Suharto's ban on the hijab in the 1990s, used the school's rigid approach on hijabs to pressure Melati to wear her hijab full-time in public spaces. She said she could only take her hijab off at home: "My mother does not understand that wearing or not wearing a jilbab should be an individual choice. The high school rule gave my mother another chance to pressure me to wear a jilbab, creating disputes between us for years."¹⁰⁴

A former student at SMAN1 Solok high school said she was punished in 2012 for having a hair-bun under her jilbab. Hair-buns are considered to be fashionable and immodest by some conservatives and were banned in that school. She was humiliated by being forced by her teacher to wear a motorcycle helmet in the classroom over her jilbab.¹⁰⁵

Tempo magazine reported that two state high schools in Yogyakarta, SMPN7 and SMPN11, had compelled Muslim girl students to wear long-sleeve shirts, long skirts, and the jilbab. The principal of one of the schools had even put the requirement in writing in a July 13, 2017 circular. Several parents protested, making statements to the media and demanding

¹⁰¹ Quinton Temby, "The elusive pragmatist who transformed political Islam in Indonesia," *Lowly Institute*, July 16, 2020, <https://www.lowlyinstitute.org/the-interpreter/elusive-pragmatist-who-transformed-political-islam-indonesia> (accessed on July 17, 2020)

¹⁰² UIN Jakarta, "Ancaman Radikalisme di Sekolah 2018" (The Threat of Radicalism in Schools 2018), UIN Jakarta PPIM Policy Brief, (Issue 4, 2018), <https://ppim.uinjkt.ac.id/publikasi/policy-brief/> (accessed May 21, 2020).

¹⁰³ Human Rights Watch interview with Nadya Karima Melati, Jakarta, July 24, 2018.

¹⁰⁴ Nadya Karima Melati, "Saya, Ibu, dan Selembar Jilbab" (Me, My Mother and a Piece of Jilbab), *Jurnal Perempuan*, August 6, 2015, <https://www.jurnalperempuan.org/wacana-feminis/saya-ibu-dan-selembar-jilbab> (accessed on July 20, 2018).

¹⁰⁵ Human Rights Watch interview with a woman [name withheld], Solok, August 8, 2018.

that the Ministry of Education inspect the schools. The school principal denied that wearing a jilbab was required despite his written circular. Instead, he said it was only “advice” and that “no sanction” was imposed on students who refused to wear it, though he added that “good Muslim girls” should wear the jilbab.¹⁰⁶

Another woman in Yogyakarta, whose teenage daughter went to SMPN8 public school in 2017, explained how the jilbab issue had played out at her daughter’s school, where the school dress code is based on the 2014 national regulation:

Although the school and her teachers do not all explicitly say she must wear jilbab, they tend to give unsolicited comments or make fun of her choice not to wear jilbab. The pressure is in a way implicit, but constant. My daughter was able to put up with it during the first year, but into the second year, her homeroom teacher was again a religious [Islamic] teacher. Then it only got more explicit.

When he saw me, her teacher said, “Oh, I’m just following the school rules here.” “Can I see the rulebook?” I asked him. He then gave it to us. We went home and studied it. That is when I found out that although it doesn’t say that female students have to wear a jilbab, from the way they phrase it, it suggests that if a female student is Muslim, she must wear hijab. That is what’s implied.¹⁰⁷

She reported SMPN8 junior high school in Yogyakarta to the National Ombudsman Office because the school principal, the Islam religion teachers, and other students had routinely bullied her daughter into wearing a jilbab since she entered the school:

Whenever it’s religion class, and whenever her (Islamic) teacher runs into her, he would ask why she’s not in jilbab. He would even ask, “Will you wear it tomorrow?”

¹⁰⁶ “Alasan SMP Negeri 11 Yogya Imbau Siswa Muslim Berjilbab” (The Reason Why SMPN 11 Yogyakarta Call On Their Muslim Students to Wear a Jilbab), *Tempo*, July 17, 2017, <https://nasional.tempo.co/read/892080/alasan-smp-negeri-11-yogya-imbau-siswa-muslim-berjilbab> (accessed on August 7, 2018).

¹⁰⁷ Human Rights Watch interview with Analisa (pseudonym), whose daughter was in SMPN 8 Yogyakarta, Yogyakarta, June 12, 2019.

My daughter would just say “Yes, okay.” But as soon as she comes home, she shares with me her discomfort, “Why are they like that, Mom?”

I realized that the school has been pressuring students to wear jilbab even though the principal denies it. On my first visit during the first year, as well as at every parent-teacher meeting, she would say, “No, it’s not mandatory.” But on another visit with her [in the second year] the principal didn’t exactly say no. She implied that I should just get on with it. “What’s so hard about that?” she said.¹⁰⁸

This teenager has since finished her three years at SMPN 8 but still faces bullying for refusing to wear a jilbab. Her mother and father, themselves Sunni Muslims, continued defending the rights of their daughter. Sometimes the girl wears the jilbab during Islamic class and prayers, but most of the time she refuses to wear it.

The National Ombudsman Office visited the school and found in February 2019 that the school regulation does not explicitly mandate the jilbab for Muslim girls but creates pressure on the girls, noting that the principal and Islamic teachers have “pressured” Muslim girls to wear jilbab. The ombudsman asked the school to correct the regulation.¹⁰⁹ However, some other parents, who supported the jilbab rule, asked the school to expel the protesting girls. The mother said, “My daughter finally compromised. She sometimes uses her jilbab. She sometimes also does not use it, depending on the situation. If the situation is hostile, she will use her jilbab.”¹¹⁰

In January 2020 in Sragen, Central Java, a father reported his daughter’s SMAN1 Gemolong school to the police and the local government after his daughter was bullied for not wearing a jilbab. Agung Purnomo said that members of the school’s Rohani Islam group had “systematically pressured and intimidated” his daughter. His complaint prompted the

¹⁰⁸ Human Rights Watch interview with Analisa (pseudonym) and her daughter, Yogyakarta, June 12, 2019.

¹⁰⁹ “Ombudsman Minta Revisi Aturan Wajib Jilbab di SMP Yogyakarta,” (Ombudsman Asks Revision of the Mandatory Jilbab Regulation in Yogyakarta School), *CNN Indonesia*, February 8, 2019, <https://www.cnnindonesia.com/nasional/20190208074321-20-367371/ombudsman-minta-revisi-aturan-wajib-jilbab-di-smp-yogyakarta> (accessed on April 21, 2019).

¹¹⁰ Human Right Watch interview with a mother [name withheld] who reported her daughter’s school to the National Ombudsman Office, Yogyakarta, March 20, 2019.

government to require the school principal to meet Purnomo, apologize to his daughter, and promise that he would stop the Islamic group from intimidating students.¹¹¹

In Padang, a 19-year-old student told Human Rights Watch that she had tried to refuse to wear a jilbab, but her school had compelled her through threats and intimidation. She said, “I actually refused, but what else could I do? Many of my classmates do not like to wear jilbabs. When they are out of school, they take off their jilbabs.”¹¹²

In Bandung, Mida Damayanti, a former student at SMKN2 Baleendah, explained that her teachers—especially female teachers and Islamic class teachers—had enforced the jilbab rule and reprimanded students who did not wear their jilbab in a certain way during her years there in 2005-2008. She said students felt “unlucky” if they had the Islamic class or a “hot-tempered” teacher on Fridays. It would mean that there would be no space for them to take off their jilbab or to wear the more traditional *kerudung*. The school required that the headscarf cover the neck and that girls also wear a long sleeve shirt and big skirt. “The outfit that we wear would directly affect the teacher’s [academic] grading,” she said.¹¹³

A student at Makassar State University in Sulawesi said that she was surprised when she was confronted for not wearing a jilbab during her one-week orientation program in August 2016. A senior male student asked her religion. She said, “Islam.” The senior told her that Muslim girls should wear a jilbab if “they want to go to heaven.” She told him that it’s a public university and there was no such regulation. More seniors joined in, threatening not to pass her out of the orientation program. She explained that two other Muslim girls also did not wear a jilbab. The students running the program threatened all three with expulsion from the program. The three finally succumbed, planning to take off their jilbabs after the orientation program ended. But they later learned that some university lecturers act against students who do not wear a jilbab on campus. “Only Christian students have the freedom not to wear a jilbab,” she said. They finally decided to keep wearing the jilbab on campus but take it off once they left campus.¹¹⁴

¹¹¹ “Teror Siswi Tak Pakai Jilbab di SMA Sragen, Begini Pengakuan Orang Tua Korban,” (Intimidating a Student Not Wearing a Jilbab, Father Complained), */News*, January 10, 2020, <https://jateng.inews.id/berita/teror-siswi-tak-pakai-jilbab-di-sma-sragen-begini-pengakuan-orang-tua-korban> (accessed on February 26, 2020).

¹¹² Human Right Watch interview with a university student [name withheld], Padang, August 10, 2018.

¹¹³ Human Rights Watch interview with Mida Damayanti, Bandung, July 30, 2018.

¹¹⁴ Human Rights Watch interview with a university student [name withheld], Makassar, March 12, 2019.

A psychologist who comes from one of Indonesia's elite families in Yogyakarta spoke about her concerns for her teenage daughter:

My family is a Nahdlatul Ulama family [the largest Muslim organization in Indonesia], but my father and mother never pressured me to wear a hijab. And I do not want to pressure my own daughter. Her ethnic Chinese friends have already shared stories about how they were compelled to wear hijab in state schools.... This mandatory hijab [rule] with all the pressure affects our daughters' mental health. How do we measure [the psychological stress]?

I want to protect my daughter. My husband even told her to go to a Catholic school. I disagreed because Catholic schools also create the impression that Muslims are a threat. Many Catholics are afraid of the Muslims in Indonesia We do not have many choices in Yogyakarta. We will either send her to an international school or a private multicultural school. The school fees are more expensive. I am worried to see this trend in Indonesia.¹¹⁵

Ifa Hanifah Misbach, a psychologist in Bandung, who often helped students who had been subjected to “jilbab bullying” and suffered from a condition she called “body dysmorphic disorder,” talked about the emotional distress many Muslim schoolgirls face, particularly in conservative regencies like Indramayu, Cianjur, Sukabumi, and Tasikmalaya in West Java. She argued that it is in “the best interests” of the children for the Indonesian government to reconsider policies and practices that lead to mandatory hijab wearing in Indonesian schools: “If our bodies are hurt, we can diagnose the problem and cure them. But if our mental health is hurt, how do you handle it? We never know the scars that we have created with these intense school and office pressures.”¹¹⁶

An 18-year-old said that she was compelled to wear a jilbab from the time she went to kindergarten in Solok: “My teachers argued, ‘It’s for educating very little girls about jilbab,

¹¹⁵ Human Rights Watch interview with an Indonesian psychologist [name withheld], Bangkok, August 17, 2018.

¹¹⁶ Human Rights Watch interview with Ifa Hanifah Misbach, Jakarta, July 27, 2018.

covering their bodies.’ You could imagine being a little girl, wearing a jilbab; it was frightening when teachers began checking our jilbabs.”¹¹⁷

One mother in Banyuwangi complained to Human Rights Watch that her 6-year-old daughter was compelled to wear a jilbab in a public kindergarten in 2012.¹¹⁸ The teachers, without asking the parents, put a hijab on all the little girls for a class photo. “I protested, telling the teachers that these little girls should not be compelled to wear jilbab.”¹¹⁹

Punishing Girls with Demerits, Markers, and Scissors

Many schools regulate headscarves to the tiniest detail, specifying that the fabric should not be transparent, no hair should show, and girls cannot have a hair-bun. Some schools use measures that stigmatize girls, damage their clothing, and even threaten them with expulsion for not wearing the jilbab to enforce its wearing. Yet, many girls deliberately wear thin and shorter headscarves as a form of daily resistance.

In many schools, every time a student is considered to have breached a school regulation—including the jilbab regulation—she gains some demerits. If a student’s points reach a certain level, the student will get a formal warning. As the demerit levels rise parents are summoned to school. Ultimately, a student can be expelled, a school supervisor in Solok, West Sumatra, explained to Human Rights Watch, showing samples from that school’s rules.¹²⁰

For example, a school regulation at SMAN3 Solok includes multiple sanctions, including two demerits if a student wears “a transparent jilbab” and another two demerits if she wears “a tight skirt, a mini skirt or a split skirt.” The regulation specifies that female clothing must cover the “hips and not be tight.... The jilbabs must not be transparent.”

¹¹⁷ Human Rights Watch interview with a young woman [name withheld] who grew up in Solok and returned to her hometown after doing her college degree, Solok, August 8, 2018.

¹¹⁸ Banyuwangi, only a 15-minute boat ride from Bali, a predominantly Hindu island, was once Hindu itself. Banyuwangi was the capital of the Blambangan Kingdom, the last Hindu monarchy on Java. When the kingdom’s power declined in the 17th century, the populace slowly converted to Islam. Bali’s ancient rulers used Banyuwangi as a buffer against the rest of Java, which by then was predominantly Muslim. Yet, even in Banyuwangi, the jilbab is now becoming mandatory in most schools.

¹¹⁹ Human Rights Watch interview with a mother [name withheld] whose daughter went to a public kindergarten, Banyuwangi, July 30, 2018.

¹²⁰ Human Rights Watch interview with a state school supervisor [name withheld], Solok, West Sumatra, May 16, 2014.

During gym class, female sports uniforms “must not be tight, not have pencil-shaped pants, and the jilbabs must not be transparent.”¹²¹

A woman in Solok, now 27, recalled her experience with the demerit system:

If you reach 100 points, you will be expelled [*diminta mengundurkan diri*] from school. The headscarf must be thick, no hair is to be seen, and the jilbab must be broad enough to cover the chest. The shirt must be long enough to cover the hips. Those who wear shorter, thinner jilbabs, showing their hair, will be reprimanded, summoned to the counselling office, then given demerits. If the jilbab is too thin or too short, the teachers will [draw a large] cross with markers on the shirt or the headscarf. Likewise, a shirt that does not cover the hips will be crossed.¹²²

Schools often hesitate to expel students because grants programs (Bantuan Operasional Sekolah) are linked to the number of pupils in the school. To avoid the loss of operational grants and a potentially long bureaucratic dispute with complaining parents, many schools use markers on girls’ clothes to stigmatize students who do not wear a jilbab. Said a student in Padang:

There’s a demerit system. If you keep violating the rules, you could accumulate the maximum 100 points and be expelled from school. Those who dare to violate these jilbab provisions are usually my Muslim friends. Most of them end up wearing headscarves [most of the time] because of school rules. Outside of our school, they do not wear jilbabs. Luckily, none of my classmates were expelled from school.¹²³

In Tasikmalaya, West Java, a 16-year-old student at SMAN9 said she and her classmates were forced to wear a jilbab at the school. Students who wear the school skirt but allow their socks to show around the ankle get 40 points. If a student accumulates 500 demerits,

¹²¹ SMAN 3 Solok, “Buku Panduan PLS: Pengenalan Lingkungan Sekolah Tahun Pelajaran 2018/2019” (School Guidebook: School Regulation and Timetables 2018/2019), June 2018. Eko Gunanto, the principal of SMAN3, signed the guidebook.

¹²² Human Right Watch interview with a 27-year-old Catholic woman [name withheld] who studied in state schools in Solok grade 1 through high school, August 8, 2018.

¹²³ Human Right Watch interview with a university student [name withheld] who grew up in Solok, Padang, August 9, 2018.

the school can expel the student. “Everyone was compelled to wear jilbab,” she said. “No other option.” She explained that when she was not at school, she did not wear a jilbab and went out in shorts.¹²⁴

Human Rights Watch documented five separate cases in which the demerits led parents to move their daughters to other schools; usually these were private, fee-paying schools. This not only imposed an economic cost on the families but had negative impacts on learning and friendships. Many reported social stigmas.

In Solok, a mother said she had no choice but to move her daughter Fifi after her demerit had reached 75 of 100 points in only one semester because she did not wear the approved jilbab. Fifi was very likely to be expelled from the school. The mother said:

In 2013, my daughter often wore a brown jilbab as part of her Pramuka [Girl Scout] uniform that was considered too thin. Every time she wore that thin jilbab, she got five demerits. The thin jilbab was comfortable. The school requires a thick jilbab, but it’s uncomfortable. In the first semester she already got 75 demerits. I was worried that she might be expelled. I decided to move her to a private school.¹²⁵

On October 19, 2017, a 16-year-old student at SMKN₄ vocational state school in Bandar Lampung, Sumatra, was summoned to meet her teachers after she had repeatedly taken off her jilbab during school. She said that two female counsellors had previously threatened to shave her head. She used her mobile phone to record the 19-minutes of intimidation she experienced and told Human Rights Watch:

I was summoned to the school counselling room. I turned on my recorder. There were some teachers inside the room including the school counsellors. I just remembered some teachers—one male and the two females—plus one female teacher and four male teachers [who did not say anything]. The male teacher was a senior school counsellor. They all commented about my rejection of the jilbab. Mr. [name withheld]

¹²⁴ Human Rights Watch interview with a high school student [name withheld], Tasikmalaya, May 1, 2014.

¹²⁵ Human Right Watch interview with Fifi’s mother [name withheld], Solok, August 7, 2018. Fifi is a pseudonym.

suggested that the school expel me. Miss [name withheld] and Miss [another teacher] denied that they had ever threatened to shave my head. They asked me if I had a recording of that threat.

I tried to challenge them, “Is this a state school or an Islamic madrasah?” A senior teacher walked towards me and roughly held my face. She told me she wished I would die in the next three months if I fabricated a story about being threatened by the teachers. Finally, I was let go.¹²⁶

The student called her parents in Jakarta and begged them to remove her from the school. They tried to console her, asking her to calm down and promising to send her uncle and aunt, who lived in Bandar Lampung, to visit the school. They also asked her to persevere since she would graduate in four months. Said the student:

On October 27, 2017, my uncle and aunt came to school. The counselling teacher refused to meet with them because they were “not real parents.” “You said your parents would come here, not your uncle and aunt,” she said. But my uncle and aunt insisted. They came into the room and told Miss [name withheld] they just wanted to talk. Miss [name withheld] and Miss [name withheld] finally agreed to talk to them. The teachers claimed they were not making any threats whatsoever. They said I was making it up. Finally, I showed them the voice recording. They didn’t say anything.¹²⁷

The student sent her 19-minute recording of the meeting with the teachers to Human Rights Watch. The aunt verified the recording and told Human Rights Watch that she had planned to report the school to the Bandar Lampung police but decided not to after considering the “emotional nature” of some Muslim residents in Bandar Lampung. As her niece was also about to finish school, she and the school had made a compromise that she would not be intimidated again.¹²⁸

¹²⁶ Human Rights Watch written interview with a SMKN4 vocational high school student [name withheld], Bandar Lampung, July 29, 2018. She also handed over the 19-minute audio recording in which she addressed each of the three teachers with their names. Copy on file with Human Rights Watch.

¹²⁷ Human Rights Watch written interview with a student [name withheld], Bandar Lampung, July 29, 2018. She sent a written statement and the audio recording on July 30, 2018. Copy on file with Human Rights Watch.

¹²⁸ Human Rights Watch interview with the student’s aunt [name withheld], Surabaya, July 29, 2018.

A 16-year-old high school student in Solok said some of her teachers cut students' shirts if they fit their bodies too closely: "First you lose some points. Then the teacher asks [the student] to tug off her shirt and cuts the shirt. [The student] then sews it up again, but looser, and the following day the teacher checks."¹²⁹

In Solok, a student at SMAN₃ talked about how her teachers had used scissors to cut the girls' clothes:

If the pants are pencil-shaped [for sports], they cut them this long [gesturing toward her knee] ... near the seam. Now from grade 10, they are wearing trouser-skirts. This is a new regulation for sports. Underneath they wear trousers but on the outside it's a long skirt, but open so you can run.

They cut the trousers because they were too tight, because of the pencil shape. But many of my friends sewed them up again. The teachers wanted them to buy new pants, loose pants, not body-hugging pants. The teachers would cut the pants again and you'd get points. [Your] points would get higher and higher. Each cut was five points.¹³⁰

In Muaraenim, South Sumatra, a male teacher reportedly used scissors to cut the hijabs of several female students after a school assembly when he determined that their hijabs did not meet the school's requirement. After he cut their hijabs, he sent them home to change their hijabs.¹³¹

After Mayor Fauzi Bahar in Padang, West Sumatra, introduced the mandatory jilbab regulation in 2005, female students not wearing a jilbab said they were sent to counsellors who work with "troubled students." Every Monday, after the morning assembly teachers waited for their students in front of their classrooms, sometimes with scissors, and cut the

¹²⁹ Human Rights Watch interview with a SMAN 3 high school student [name withheld], Solok, August 9, 2019.

¹³⁰ Human Rights Watch interview with an SMAN₃ student [name withheld], Solok, August 9, 2019. She later brought her classmate [name withheld] who shared their school regulation.

¹³¹ The incident took place at the Islamic High School (Madrasah Aliyah Negeri) in Muaraenim. See "Guru Gunting Jilbab Siswi," *Tribun News*, January 11, 2011, <https://palembang.tribunnews.com/11/01/2011/guru-gunting-jilbab-siswi> (accessed on May 23, 2020).

sides of student's shirts that were too tight. They would also cut the bangs of students if strands of their hair were visible from their jilbab. Said a former high school student:

Every morning, a teacher stands outside our school gate, checking incoming students. The students have to kiss the teacher's hand, indicating politeness, respect or whatever.

If the teacher on duty sees a student without a proper jilbab or her shirt too revealing, the teacher will ask the student to fix the jilbab or the shirt. One particular teacher is quite excessive. She sometimes carries a scissor to cut slivers of hair protruding from the jilbab—not much but it was humiliating. Kissing her hand makes it possible for her to see the jilbabs closely. It's not comfortable.¹³²

Non-Muslim Students Compelled to Wear a Jilbab

In many Muslim-dominated areas on Java and Sumatra, Indonesia's two most populated and predominantly Muslim islands, Christian girls are sometimes compelled to wear a jilbab.

In July 2008, *Tempo* magazine reported that when Padang Mayor Fauzi Bahar decreed that the jilbab was mandatory in the West Sumatra capital, he said “non-Muslims should adjust.” All schoolgirls in Padang, including Christians and Buddhists, from kindergarten to high school, were required to wear a jilbab. Bahar admitted that his 2005 decree was controversial. It was even discussed at a national cabinet meeting in Jakarta, but the cabinet took no action. Bahar argued that the decree should stand as it “did not create any unrest” in Padang.¹³³

On July 16, 2017, *Kompas* newspaper reported that Yenima Swandina Alfa, a new student in SMPN3 Genteng junior high school in Banyuwangi, East Java, had cancelled her enrollment after she was asked to sign a document declaring that she was willing to wear

¹³² Human Rights Watch interview with a former high school student [name withheld], Padang, May 17, 2014.

¹³³ D.A. Candraningrum and Febrianti, “Jilbab, Wajib dan Menyesuaikan” (Jilbab, Mandatory and Adapting), *Tempo*, April 21, 2008, <https://majalah.tempo.co/read/126974/kewajiban-berjilbab-jilbab-wajib-dan-menyesuaikan> (accessed on May 25, 2018).

the jilbab as part of her school uniform despite her Catholic faith. Banyuwangi regent Abdullah Azwar Anas apologized to her and her parents, asking the school to revoke the rule. He admitted it was a discriminatory practice.¹³⁴

In July 2018, Human Rights Watch learned that Yenima Swandina Alfa had moved to a different state school that ensured that she would not have to wear a jilbab. Many state schools in Banyuwangi have similar requirements as the school Yenima previously attended.¹³⁵

A 16-year-old Catholic high school student decided to stop going to a state school after she was repeatedly bullied for not wearing a jilbab. In 2017, she decided to study at the SMAN1 Wongsorejo state school. The school was walking distance from her house. Citing her Catholic faith, she refused to wear a jilbab. The school's principal agreed, and she became the only student in her grade of around 100 students who did not wear a jilbab. The biology teacher, however, asked her to wear a jilbab during Indonesia's Independence Day celebration in August 2017. She objected and reported the demand to another teacher, who agreed with her but did not directly address the issue with the biology teacher. She said:

The biology teacher did not stop. When teaching, he always ended up with a religious statement, suggesting that non-Muslims are infidels and will go to hell, making me uncomfortable. He also emphasized his political preferences, asking students, who have the right to vote, not to vote for President Jokowi.¹³⁶

Her father went to the school three times, but the biology teacher refused to see him. The student later stopped going to school for two weeks, prompting four male teachers to separately visit her and ask her to return. The biology teacher finally met her father during her two-week boycott, telling her father that he did not know that she was a Catholic. "Of

¹³⁴ "Ada Diskriminasi Terhadap Siswi Non Muslim di Banyuwangi, Bupati Anas Marah" (Discrimination Against Non-Muslim Student in Banyuwang, Regent Anas Upset), *Kompas*, July 16, 2017, <https://regional.kompas.com/read/2017/07/16/23005061/ada-diskriminasi-terhadap-siswi-non-muslim-di-banyuwangi-bupati-anas-marah> (accessed on May 25, 2018).

¹³⁵ Human Right Watch interview with Ika Ningtyas and Ira Rachmawati, two local journalists in Banyuwangi who had covered the case, Banyuwangi, July 30, 2018.

¹³⁶ Human Right Watch interview with a high school student [name withheld] in her new school in Banyuwangi, July 31, 2018.

course, he knew I'm not a Muslim. I was the only one without a jilbab," she said, adding that she realized that the school would never apologize. She decided to leave the school, moving to a private school about 16 kilometers from her house. She said she had a hard time adapting to the new school. Transportation took longer and was expensive, as Banyuwangi does not have a reliable public transit system. Her father is a farm worker with limited financial ability to bear the extra cost. A Catholic group later helped her to find a room to rent near the school, meaning she no longer live with her parents.¹³⁷

Daisy, a 24-year-old Catholic woman in Solok, West Sumatra, chronicled her jilbab problem, saying it started when she was in grade 6 at state school SDN3 in 2005, the year of Regent Gamawan Fauzi's mandatory jilbab regulation in Solok:

I began to wear a jilbab in grade 6 when I was 11 years old. Our class had only three Christian students: two boys and one girl. I was that girl. In total it had 33 students.... The school also had a mandatory Islamic lesson every day. The Christians were not required to participate but were asked to sit in the classroom.

It was insulting when the Islamic teacher talked about Christianity, saying that Jesus did not ascend to heaven. My friends taunted me for being a Christian, having three gods rather than one.

My parents consulted the Catholic priest who headed our small congregation. He said it is against our Catholic faith [to wear a jilbab] but we're helpless. We're a tiny minority in Solok. He said let's compromise, considering the jilbab only as a school uniform.¹³⁸

In Padang, a 22-year-old woman recalled her experience of being forced to wear the jilbab since grade 1. She is Catholic and attended state schools in Solok, where she was required by her teachers and school administrators to wear the jilbab through grade 12 or face expulsion. "Sometimes I felt bad, but my friends said I was more beautiful wearing the jilbab. They also invited me to convert to Islam."

¹³⁷ Ibid.

¹³⁸ Human Rights Watch interview with Daisy (pseudonym), who lives in Solok, Jakarta, July 22, 2018.



Billboard in front of the gate of SMPN2 school in Solok showing the principal in a long hijab, smiling, with the words “*Selamat Datang di SMPN 2 Kota Solok. Kawasan wajib berbusana Muslim untuk Kota Solok Serambi Madinah*” (Welcome to Public Junior High School 2 Solok City. Mandatory Muslim clothing area for Solok City, Veranda of Medina), August 2018. © 2018 Andreas Harsono/Human Rights Watch

She said that her worst experience was wearing the thick and dark Girl Scout jilbab as a young girl at school: “I was crying. Once I got home, I cried and told my mother. I was still in elementary school. I was in third grade. Maybe 9 or 10 years old.”¹³⁹

Human Rights Watch interviewed nine other Christian students in Solok and Padang, West Sumatra. They all said that they must wear the jilbab despite the 2014 national regulation ensuring religious freedom. State school SMPN2 Solok even put a huge billboard outside their school, showing the principal in a long hijab smiling and saying, “*Kawasan wajib berbusana Muslim*” (Mandatory Muslim clothing area).

A Christian student in Solok said that her school had even asked her mother, also a Christian, to wear a jilbab when going to attend a parent-teacher conference:

If my mother goes to school to meet with my teachers, she has to wear a jilbab. But most of the time she refuses to do that. My brother, instead,

¹³⁹ Human Rights Watch interview with a 22-year-old woman [name withheld], Padang, August 12, 2019.

goes to school. Usually there's someone in front of the school who screens every person going into the school.¹⁴⁰

A school supervisor in Sijunjung, West Sumatra, said that a Christian couple had decided not to enroll their daughter in a state school when the school principal told them that the school requires girls to wear a jilbab. "They decided to cancel the enrollment, sending her to a private school," said the supervisor.¹⁴¹

A teacher in Banyuwangi said his private school had received more students because parents were worried about the increasing Islamic tone in state schools. "Christian students avoid going to state schools if they can go to a private one," he said.¹⁴²

Another 27-year-old Catholic woman in Solok said, "In my heart, I oppose wearing a jilbab. But I dare not speak about this because the number of non-Muslim students is very small. We had only five girls." She said in her first week at the SMPN1 junior high school in downtown Solok, the school principal came to each class:

The principal entered my classroom, asking if there's any non-Muslim students, "Raise your hands!" I raised my hand. He asked again, "Do you object to the mandatory jilbab? If you object, leave the school!" I was the only Christian. I said I do not mind.

My parents were only able to send me to go to a state school. Two of my friends moved to Catholic schools in Padang. They objected to wearing headscarves in state schools.

Most of my Muslim high school friends, outside their school, are not veiled. They wear headscarves at school because of the compulsory rules.¹⁴³

¹⁴⁰ Human Rights Watch interview with a schoolgirl [name withheld], Solok, August 9, 2019.

¹⁴¹ Human Rights Watch interview with a school supervisor [name withheld], Solok, August 7, 2018.

¹⁴² Human Rights Watch interview with a private school teacher [name withheld], Banyuwangi, July 30, 2018.

¹⁴³ Human Rights Watch interview with a 27-year-old Catholic woman [name withheld] who studied in state schools in Solok for 12 years, since grade 1 until high school, Solok, August 8, 2018.

In Solok, a town near Padang, a 22-year-old woman recalled her experience, saying that even though she is Catholic, she went to state schools in Solok and was forced to wear the jilbab from grade 1 through grade 12 or face expulsion. She told Human Rights Watch that the most difficult was to wear the thick dark brown Pramuka girl scout jilbab at school.¹⁴⁴

A Catholic girl who graduated from a state school in Solok in 2018 told Human Rights Watch that she had been wearing a jilbab to school for 14 years since kindergarten:

Once a relative came from Jakarta to visit me at home. She was shocked, sobbing and thinking I had converted to Islam. We ended up laughing but also feeling the irony. I was compelled to wear a jilbab. Many people in Jakarta do not know that here, non-Muslim girls must wear a jilbab.¹⁴⁵

Another 18-year-old Christian girl, living in Padang, talked about how she has been compelled to wear a jilbab since she was in grade 4 in SDN8 Bawah Bungo state school in Solok:

It was grade 4 when all female students, Muslims and non-Muslims, were required to wear jilbabs. There were only five Christians in my class. We complained to our teacher. She said, “Please try to adapt.” Finally, we chose to adapt, continuing to cover our head until graduation. In photos of us with our diplomas we were wearing jilbabs. I continued my education at SMPN1 in Solok in 2009. There was a written rule that all students had to wear headscarves, Muslims and non-Muslims.¹⁴⁶

In Padang, some Catholic girls said they felt they could not protest the jilbab requirement because their parents want to send them to state universities rather than far more expensive private ones; their parents believe it will be easier for them to gain entry to state universities if they graduate from public high schools, and that means putting up with the jilbab requirement.¹⁴⁷

¹⁴⁴ Human Rights Watch interview with a 22-year-old woman [name withheld], Padang, August 12, 2019.

¹⁴⁵ Ibid.

¹⁴⁶ Human Rights Watch interview with a woman [name withheld] who used to study at SDN8 Bawah Bungo state school in Solok, Padang, August 9, 2018.

¹⁴⁷ Human Rights Watch interviewed three young Christian women [names withheld], Padang, August 12, 2019.



Nur Laeliyatul Masrurroh, a Human Rights Watch interviewer, talks to a Catholic girl who sobbed as she talked about the intimidation and bullying she suffered in a state school in Banyuwangi for refusing to wear a jilbab, July 2018. © 2018 Andreas Harsono/Human Rights Watch

On August 25, 2018, *Independensi* newspaper headlined a story about Christian students in SMAN2 public high school in Rokan Hulu, a plantation town in Riau province, Sumatra, who were forced to wear a jilbab. It published a photo and the names of ethnic Batak Christian students wearing jilbabs and gray-and-white uniforms.¹⁴⁸

The school's principal admitted that all female students, including the Christian girls, wore a jilbab. He told the BBC, "It's been going on for a while even before I started this job. All Christian students wear jilbabs but it's not compulsory. They're free not to wear the jilbab." He added that it's "strange" that the Christian girls and their parents were "complaining now."¹⁴⁹

Education and Culture Minister Muhajir Effendy then immediately asked his inspectors to look into the report. In a meeting with a group of representatives from the Communion of Churches, which sent a delegation to discuss the issue with him, he said: "I have reviewed all of the documents, there is not a single Ministry of Education and Culture policy that

¹⁴⁸ Mangasa Situmorang, "Siswi Kristen Wajib Pakai Jilbab di Riau" (Christian Schoolgirls Forces to Wear Jilbab in Riau), *Independensi*, August 25, 2018, <https://independensi.com/2018/08/25/siswi-kristen-wajib-pakai-jilbab-di-riau/> (accessed on May 25, 2019).

¹⁴⁹ "'Kewajiban' jilbab di Riau, antara kearifan lokal dan 'pelanggaran' kebhinekaan" (The "Mandatory" Jilbab in Riau, Between Local Culture and 'Breaching' Diversity), *BBC News Indonesia*, August 28, 2018, <https://www.bbc.com/indonesia/indonesia-45319155> (accessed on May 25, 2019).

requires students to wear the jilbab, even Muslim students. That's why last Friday I immediately ordered the Inspectorate to go to Riau.... Those students were not compelled but they felt they will be looked at differently from other students [if they don't cover their heads] so they wear the jilbab themselves. The problem is solved!”¹⁵⁰

Another student explained the twin challenges of being female and a member of the Sunda Wiwitan, a local religion among some ethnic Sundanese in West Java. She said:

In 2012, I enrolled at SMPN1 Cisaga in Ciamis regency. I was forced to wear a jilbab. If I did not wear a jilbab, the school principal and the teachers said I will not get a score in religion class, meaning a zero. A teacher said, “If you cannot wear a kerudung from home you could wear it only at school.” I reported those pressures to my parents. They contacted a Sunda Wiwitan leader in charge of women and children who came to my school. She said there is no regulation requiring any student to wear a jilbab.

She said the next day the teacher threatened her: “The following morning, she talked to me, ‘If you report [me], I could report [you] to the MUI (Indonesian Ulama Council).’”

She moved to another school but faced similar pressures:

I was summoned to the principal's office and told to wear a jilbab. There was the principal, the deputy principal, my class teacher, and the Islam religion teacher. The principal asked what my religion is. I said, “Sunda Wiwitan.” He said he had never heard about such a religion. In that school, all students were Muslims, all schoolgirls wore jilbabs.

“How do you pray?” asked the principal. I said “*olah rasa*” [meditation and fasting].

¹⁵⁰ Gomar Gultom, the secretary general of the Communion of Churches in Indonesia, joined the church delegation in meeting Education Minister Muhajir Effendy on August 28, 2018 in the minister's office. Gultom asked a question about the mandatory jilbab rule and posted the minister's comment on his Facebook page: <https://www.facebook.com/photo.php?fbid=10216078030760169&set=pcb.10216078034320258&type=3&theater> (accessed on August 7, 2019).

“If you are thirsty, do you drink? Is it enough with meditation? Who do you pray to?” I said, “We pray to Gusti. In Islam, you call this God with the name ‘Allah’ but in Sunda Wiwitan we call this God Gusti.”

The principal said, “You cannot equate Islam [with another religion]. It is blasphemy!”

The principal told the religion teacher, “Miss, you need not to give this kid a score! Make it blank. She needs not to graduate.”

The Sunda Wiwitan leader then visited the school with the girl’s grandfather. The school agreed to let her take a Sunda Wiwitan religion class off campus, but she said that the teachers did not stop asking her to wear a jilbab: “My parents, grandparents and other relatives cannot dream to apply for a government job simply because of our religion. The first problem is my faith. The second is the jilbab rule.”¹⁵¹

On January 21, 2021, Elianu Hia, a Christian father, recorded a one-on-one meeting with a teacher in his daughter’s SMKN2 state school in Padang, during which the teacher asked him to make sure his daughter, Jeni Hia, wore a jilbab at school. Hia asked the teacher, “If my daughter has to wear a jilbab, it will breach her [Christian] faith. Where are our human rights? Is it advice or an order?”

Zakri Zaini, the teacher, replied, “This is mandatory. This is the school regulation at SMKN2 Padang.”

¹⁵¹ Human Rights Watch interview, September 18, 2020. The woman also explained how her life has been affected by religious discrimination. “My other problem is my official papers. My birth certificate only mentions my mother’s name. My father’s name was absent because their Sunda Wiwitan marriage was not recognized. They do not have a legal marriage certificate In the Civil Registration Office, my religion was a blank space only. Indonesia does not recognize Sunda Wiwitan. Every time I need to go to the civil registration office, I have to deal with questions on my religion, lately, also the fact that I do not wear a jilbab. Once I applied for a job in a restaurant, they told me I have to wear a jilbab. I declined. It was only a private enterprise. I obviously cannot apply for a government job unless I want to legally change my religion. It is nothing new. My Sunda Wiwitan faith has been persecuted for more than five decades.”

Zaini asked Hia to sign a statement verifying his refusal, saying that he would report the refusal to the education office in Padang. Hia said he understood this as a threat to expel his daughter from the school. Zaini also asked Elianu to spell his daughter's name. "Jeni Cahyani Hia," said Hia, asking Zaini to let him take a photo of the regulation.

Later that day at around 11 a.m., Elianu Hia uploaded that video and the photo on his Facebook page.¹⁵² He wrote: "I am doing this not only for my daughter but also for the future of other school children."

Jeni Hia is a grade 10 student who began attending in person classes at SMKN2 for the first time on January 4, 2021. From the time she started, she refused to wear a jilbab. Her teachers frequently asked her why she did not wear it. Hia explained that she is a Christian and it is not part of her beliefs that she should wear a jilbab.¹⁵³

Elianu Hia asked a lawyer, Amizuduhu Mendrofa, to represent his daughter. Mendrofa immediately sent a letter to President Jokowi, Minister of Education Nadiem Makarim, and the National Commission on Human Rights asking them to protect Jeni Hia's rights to education, expression, and other rights. He expected the rights commission to visit the school in Padang.¹⁵⁴

Hia's video was reported by several media companies and shown on national television, creating a viral hashtag (#smkn2padang) and prompting public protests against the school and the education office in Padang in West Sumatra.¹⁵⁵

On January 23, 2021, the West Sumatra education office head Adib Alfikri held a news conference, saying that he had investigated the case at SMKN2 Padang and asked the

¹⁵² Elianu Hia, Facebook, <https://www.facebook.com/elianu.hia/videos/3444961562268596> (accessed on January 29, 2021).

¹⁵³ Human Rights Watch interview with Amizuduhu Mendrofa, a lawyer who represented the Hia family, Padang, January 29, 2021.

¹⁵⁴ Muhammad Aidil, "Kuasa Hukum Siswi SMKN 2 Padang yang Diwajibkan Berjilbab Yakin Komnas HAM Segera ke Padang" (Lawyer of the SMKN2 Padang Student Forced to Wear a Jilbab Said the Rights Commission Will Visit Padang), *Padang Kita*, <https://padangkita.com/kuasa-hukum-siswi-smkn-2-padang-yang-diwajibkan-berjilbab-yakin-komnas-ham-segera-ke-padang/> (accessed on January 29, 2021).

¹⁵⁵ Adi Briantika, "Rombak Peraturan Diskriminatif Wajib Jilbab di Sekolah Sumbar" (Reform the Discriminatory Jilbab Regulations in West Sumatra), *Tirto*, January 26, 2021, <https://tirto.id/rombak-peraturan-diskriminatif-wajib-jilbab-di-sekolah-sumbar-f9CC> (accessed on January 27, 2021).

school to stop forcing Christian students to wear a jilbab. He said that many Christian schoolgirls wear a jilbab “voluntarily,” unlike Jeni Hia.¹⁵⁶

On January 24, Minister of Education Nadiem Makarim made a video statement on his Instagram, condemning the abuse at SMKN2 in Padang and saying that the “mandatory jilbab regulation” at the school, or any state school in Indonesia, is against the constitution, the 1999 human rights law, the 1999 education law, and the 2014 public uniform regulation, which says that school uniforms should protect religious freedom. Makariem said, “I asked the local government to immediately impose strict sanctions for disciplinary violations for all parties involved in these abuses including the possibility of [termination], so that this ... becomes a lesson.”¹⁵⁷ The Ministry of Education and Culture also opened a Ministry of Education hotline (177), a chatroom, and an email address to receive complaints about jilbab abuses.¹⁵⁸

On Monday, January 25, five other Christian female students attended classes without a jilbab, quoting the widely-broadcast ministerial video to defend their decision. The remaining Christian girls continued to wear a jilbab, some saying that the principal had not changed the regulation and they were afraid not to wear a jilbab.¹⁵⁹

West Sumatra officials said that while they would accept that Christian schoolgirls should not be forced to wear a jilbab, Muslim girls should still be required to do so. Former Padang mayor Fauzi Bahar, himself a retired Navy officer and now involved with the National Democrat Party, who introduced the jilbab rule in 2005, made statements that reflected conservative sentiment. He said:

¹⁵⁶ *Tribun Padang*, “Heboh Siswi Non-Muslim di SMKN 2 Padang Diminta Pakai Jilbab, Ini Kata Kadis Pendidikan Sumbar” (Controversy of Christian Schoolgirls to Wear Hijabs, West Sumatra Education Office Head Speaks), January 23, 2021, video clip, <https://www.youtube.com/watch?v=vlbJ5z8lkiU> (accessed on January 29, 2021).

¹⁵⁷ Nadiem Makarim’s Instagram page, January 24, 2021, video clip, <https://www.instagram.com/p/CKagsK1h86h/> (accessed on January 25, 2021).

¹⁵⁸ The website of the Ministry of Education and Culture was set up immediately after Nadiem Makarim’s video statement on January 24, 2021: <http://ult.kemdikbud.go.id/> (accessed on January 29, 2021).

¹⁵⁹ Yola Sastra, “Siswa Non-Muslim di SMK Negeri 2 Padang Mulai Lepaskan Jilbab” (Non-Muslim Students at SMKN2 Padang Begin to Take Off Jilbab), *Kompas*, January 26, 2021, <https://bebas.kompas.id/baca/nusantara/2021/01/26/siswa-nonmuslim-di-smk-2-padang-mulai-lepaskan-jilbab/> (accessed on January 28, 2021).

It would be a setback if the jilbab rule is to be amended. Our girls will go back to being naked. It will increase rape cases.¹⁶⁰

Bahar added that the regulation had helped reduce dengue fever in Padang:

After we [had girls] put on the jilbab, the number of children with dengue fever dropped dramatically because there was no place for mosquitoes to bite. When [girls] are not covered, they get mosquito bites on their legs, thighs, arms, neck. When everything is covered, there is no place for mosquitoes to bite.¹⁶¹

However, Bahar did not suggest that male students should be covered to gain the same protection. He went on to insist that female Muslim students wear a jilbab, saying that it helped female students not compete against each other with their “gold necklace or gold earrings ... as well as dyed hair.”¹⁶²

Fasli Jalal, a former deputy minister of education, told Human Rights Watch that he had heard many stories of abuses, such as Christian girls being forced to wear the hijab in his home province of West Sumatra, as a result of the uniform regulation:

What about Muslim girls who do not agree to wear hijab? Could they refuse not to wear hijab? Non-Muslims obviously should not be subject to the hijab regulation. There has been no review of the 2014 regulation. Muslim parents might want to have this rule but especially children—no matter what religion—should be interviewed, including those feeling not comfortable with the hijab. Bullying should not be tolerated in any school, let alone the continuous pressure to wear hijab.¹⁶³

¹⁶⁰ Metro TV News, “Aturan Siswi Berjilbab di Padang Sudah Berlaku 15 Tahun” (The Mandatory Jilbab Rule in Padang Is Already 15 Years), January 24, 2021, video clip, https://www.youtube.com/watch?v=hm672kv_RfE (accessed on January 29, 2021).

¹⁶¹ “Eks Walkot Padang soal Aturan Jilbab untuk Siswi: Tak Ada Tempat Nyamuk Gigit” (Padang Ex-Mayor on the Jilbab Regulation for Female Students: Clothing to Ward Off Mosquitoes), *Detik*, January 26, 2021, <https://news.detik.com/berita/d-5349276/eks-walkot-padang-soal-aturan-jilbab-untuk-siswi-tak-ada-tempat-nyamuk-gigit> (accessed on January 28, 2021).

¹⁶² *Ibid.*

¹⁶³ Human Rights Watch interview with Fasli Jalal, Jakarta, August 10, 2018. Jalal was deputy minister of education from 2010-2011 in the Yudhoyono administration.

IV. Jilbab Requirements for Teachers and Other Government Workers

As of 2016 (latest available official figures), Indonesia's civil service consisted of 4.37 million workers. Approximately 70 percent were state schoolteachers, of which 49 percent were female teachers or around 1.49 million people. Most civil servants work in local government offices.¹⁶⁴

Many of these female civil servants face rules or pressure from provincial and local governments to wear an "Islamic" dress. Even when a formal policy does not exist, unofficial "rules" still put pressure on women to conform, creating a hostile work environment for those who do not want to wear a jilbab.

Many provincial and local governments, including Aceh, Central Java, West Sumatra, and South Kalimantan, have passed ordinances requiring female civil servants to wear a jilbab at work. Jilbab regulations are enforced with penalties ranging from a simple warning to a delay in promotion and dismissal. Officials and managers regularly check whether women are wearing a jilbab. Women cannot even interview for a job in many places unless they wear a jilbab.

Most female Muslim workers comply with the regulations, but many told Human Rights Watch that they see this as an infringement on their rights. Some women have quit their government jobs, seeking a freer work environment elsewhere.

One of the earliest regulations was in Tasikmalaya, West Java. A 2001 regulation on Islamic dress, which remains in force, requires female Muslim civil servants to wear a jilbab in addition to their officially prescribed work clothes. In government offices in urban areas in Tasikmalaya, female civil servants are still allowed to wear pants with the jilbab, but in

¹⁶⁴ Statistics Indonesia, "Jumlah Pegawai Negeri Sipil Menurut Jenis Kepegawaian dan Jenis Kelamin, Desember 2013 dan Desember 2016" (Number of Civil Servants based on their Gender and Geography, December 2013 and December 2016), November 20, 2017, <https://www.bps.go.id/statictable/2015/09/08/1798/jumlah-pegawai-negeri-sipil-menurut-jenis-kepegawaian-dan-jenis-kelamin-desember-2013-dan-desember-2016.html> (accessed on September 24, 2020). Indonesia also had more than 956,000 workers at 118 state-owned companies, from banks and energy to construction and mining operations. Ardan Adhi Chandra, "Aset BUMN RI Sentuh Rp 6.560 T" (Total Assets of State Owned Companies Reach 6,560 Trillion Rupiah), *Detik Finance*, April 28, 2017, <https://finance.detik.com/berita-ekonomi-bisnis/d-3487130/aset-bumn-ri-sentuh-rp-6560-t> (accessed on September 24, 2020).

rural areas they are required to wear a long skirt instead.¹⁶⁵ A Ministry of Health official in Tasikmalaya told Human Rights Watch that approximately 10 to 20 percent of the female workforce at the ministry, including doctors and nurses, did not wear a hijab before the decree, but that within a year every female staff member wore a hijab.¹⁶⁶

The official said that women were under heavy institutional and peer pressure to follow the rules. She said that at the daily morning assembly the head of the health office would comment on those who were not wearing a hijab, and sometimes would ask those without a hijab to stand on the back row.¹⁶⁷ Some supervisors and other senior female staff would ask them to explain why they did not wear the hijab and when they would start wearing it. She said they used Arabic terms to assert that the non-hijab wearing women had not experienced “*hijrah*” (in Indonesia this has come to mean spiritual transformation) or received “*hidayah*” (godly guidance). She told Human Rights Watch: “Maybe some of them become embarrassed. People stare. Sometimes there is mocking from others. Maybe they become embarrassed and uncomfortable. If one stands out, the others stare.”

After three years of resistance, she says, she gave in and started wearing a hijab. She felt she had no choice:

It is very important for me [to have freedom]. Anything that comes from the heart means it is free from pressure from anyone. It is different if you are forced or pressured. It is uncomfortable. But if it is your own decision, it feels more comfortable for yourself.¹⁶⁸

Office staff in Tasikmalaya were also required to attend events at which staff had to recite the Quran, she said.

¹⁶⁵ Most civil servants wear uniforms, depending on the ministry or state-owned enterprise they work for. A few ministries do not have a uniform, such as the foreign affairs ministry. But all civil servants belong to the national civil servant corps (Korps Pegawai Negeri). The corps requires a uniform called “the blue batik” for official ceremonies, such as Independence Day. See “Kemendagri Terbitkan Aturan Penggunaan Jilbab untuk PNS” (Ministry of Home Affairs Issued a Regulation on the Jilbab for Civil Servants), *CNN Indonesia*, December 14, 2018, <https://www.cnnindonesia.com/nasional/20181214120742-20-353646/kemendagri-terbitkan-aturan-penggunaan-jilbab-untuk-pns> (accessed on July 27, 2020).

¹⁶⁶ Human Rights Watch interview with a female official [name withheld] at the Ministry of Health, Tasikmalaya, April 30, 2014.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

Cianjur regency in West Java adopted a mandatory jilbab ordinance in 2006 for government offices and state schools.¹⁶⁹ Three female civil servants told Human Rights Watch that in 2016, a decade after the ordinance, the local government began to pressure female civil servants to wear long hijabs and long skirts. They even made it mandatory for Muslim government employees to attend evening prayer in the Cianjur Grand Mosque every day.¹⁷⁰

A 55-year-old woman who wore a jilbab before the 2006 regulation said that it was applied to both Muslims and non-Muslims. She said that the requirements are evolving, with increasing social pressures on women to wear longer coverings made with thicker fabric:

Now this *syari'i* [long] jilbab is constantly being emphasized in Quran recitation and other meetings. It can be dangerous. A friend of mine fell from her motorbike because the long veil got stuck around the wheel.

I disagree with government interference on this jilbab matter. I am afraid these measures will continue, with demands that [the hijab] becomes even longer and more restrictive. [I fear] they will add other rules that curb women such as curfew restrictions. Once the Cianjur Council speaker said openly, "The best place for women is to stay at home. Women don't need a career."

The woman expressed fear about the future for women's freedom in other areas: "I am worried that this will be like in Aceh, where there is a ban on [women] straddling motorcycles."¹⁷¹

A Cianjur civil servant, who wears a jilbab, complained that she now faces pressure to wear *gamis*—a long dress to cover not only her hips but her feet—combined with a big hijab that covers her chest—restricting her when she rides a motorcycle. The 2006 regulation has made the hijab longer and more restrictive for movement:

¹⁶⁹ See Regent of Cianjur Regency Regulation No. 15 of 2006 on Official Uniform for Employees of the Regency Government of Cianjur. Copy on file with Human Rights Watch.

¹⁷⁰ Human Rights Watch interview with three female civil servants [names withheld] including a teacher, Cianjur, July 26, 2018.

¹⁷¹ Human Rights Watch interview with a female civil servant [name withheld], Cipanas, Cianjur, July 26, 2018.

In the village office, I've been asked to wear a *syar'i* jilbab. This pressure comes from the wife of the village head. She wants all female employees to wear the *syar'i* jilbab with a long and wide skirt. This is very impractical, especially for someone like me who is always mobile and moving around via motorbike. The *gamis* is very inconvenient. I still believe that decisions to wear a jilbab should come from within, not from a regulation. Otherwise, the jilbab becomes just an attribute or a uniform and it just loses its true meaning, which is to "cover" the heart and become a better person.¹⁷²

In Jakarta, a lecturer at one of Indonesia's largest state universities, said that in 2019 she came under pressure to wear a jilbab despite the absence of any campus regulation. She pointed to a huge billboard reminding all female visitors on campus to wear "Islamic attire." She said it makes her uncomfortable, adding that the university only mandates "decent clothing" in its regulations:

I began to work at the university in 2000. I was fortunate that I also got my civil servant status. Being a civil servant means having a steady job with a good retirement plan.

There is no official regulation for female staff and students to wear a jilbab in the campus. But the pressures are intense. I read the campus dress code and other regulations in the campus; it says nothing about a religious attire. It only says that we should dress "decently." I always dress decently. I cover my hair appropriately when driving to and entering the campus, but took the jilbab off when teaching, attending seminars or doing other academic works inside the campus. I am asked why I do not cover my hair as I should as a Muslim. I got very traumatized from these incidents and felt discouraged.

Most people in this institution have been judging me directly and indirectly just because I decided not to put the jilbab on in the way they want me to. I don't think there is a space for me in this institution.

¹⁷² Human Rights Watch interview with a female civil servant [name withheld], Cianjur, July 26, 2018.

The lecturer finally resigned in 2020, giving up her coveted civil service job, and took a new post at a private university.

The resignation process took more than a year. I kept changing my resignation letter and did not put jilbab issues or values for that matter in the formal document. I softened it and flattened it out. As the result, the letter just said, “I am resigning as I need to widen my interests without limitations from affiliation with the institution.” I just used a template. It was very anticlimactic ... A specific dress code that requires covering a woman's body from head to toe does not represent all Muslim women. I think the university should be a place where everyone feels welcome. The dress code and its sanctions are outdated and should be changed.¹⁷³

An administrative staff member at a school of social and political sciences in a Jakarta public university described her experience to Human Rights Watch:

I joined this campus as a student in 2012. We were all required to wear the jilbab. It was not a uniform, but every female student is supposed to wear a jilbab. It is not a regulation but is displayed on the billboards. But this is the only campus that I could afford. In the classrooms, I often got scolded for not wearing what the lecturers claimed to be “a proper jilbab.” They asked students to fix their jilbabs. I just followed whatever the lecturers asked me to do. I am afraid that their dissatisfaction might affect my academic performance.

In 2017, I graduated from the university and applied to get a job at my own school. I wanted to be a political analyst or commentator. The pressures to wear a long dress and a long jilbab immediately began. It is more intense than the pressures on students. We are frequently reminded that we are “the role models” for the students.

¹⁷³ Human Rights Watch interview with a female Muslim scholar [name withheld], April 27, 2019 and September 10, 2020. The scholar showed Human Rights Watch the 2016 Jakarta university rector's decree on the code of conduct for lecturers, which mentioned “decent clothing” but did not require a hijab, in April 2019. She apparently was deciding to resign during the 2019 interview and submitted her resignation letter on March 1, 2020.

My supervisor often asked me not to wear the neck-only hijab, not to wear blue jeans, and not to wear T-shirts. She suggested that I wear long dresses and long hijabs that cover my chest. Sometimes twice a week. Sometimes thrice a week. In her interpretation, I am not wearing a hijab. It still shows my hair on my forehead.

“Your dress is not long enough,” she said. “Your shirt is too tight.”

In my campus, we had a female lecturer who refused to wear a hijab. She was the talk of the campus. She finally resigned. I cannot do that. I take off my hijab every time I go off campus. I have no problem with the hijab but I do not like the coercion and the pressure to wear a hijab.¹⁷⁴

A civil servant working for the government in Tangerang, west of Jakarta, explained the pressure she faced:

I began to work as a civil servant in 2006 in Tangerang.... There are a lot of social pressures on civil servants to wear jilbabs. It is not mandatory. It is not an official regulation. But it is effective.

I usually ignored those comments, such as, “Islam but not wearing a jilbab?” “Without a jilbab, a Muslim woman will end up in hell!”

In 2020, I decided to wear a jilbab. I am already 44 years old and there is this pandemic. But the gossip and the talk did not stop. Other female civil servants said that mine is not a jilbab but a kerudung. You could see that my hair is still shown here [she demonstrated to Human Rights Watch on her mobile phone]. I said this is what I like my jilbab to be. I prefer to wear my jilbab like this. It is my private choice.¹⁷⁵

¹⁷⁴ Human Rights Watch interview with an administrative staffer [name withheld] in a Jakarta state university, [location withheld], September 10, 2020.

¹⁷⁵ Human Rights Watch interview with a civil servant at the Tangerang government [name withheld], Tangerang, September 14, 2020.

A former kindergarten teacher in Jakarta explained the demands she faced:

I studied at the Jakarta State University, taking the early education major, and hoping that I would be a kindergarten teacher. My campus is famous for its education school. When I was in my third year, I began to work as a junior teacher in a kindergarten in Jakarta.... At that kindergarten, there is no mandatory jilbab regulation. But all of the mothers, who play an important role there, wear their jilbabs. All of the teachers also wore jilbabs.

I wore my own jilbab but tied it to the back. It did not cover my chest. I got reprimanded. They said I should wear a big jilbab that covers my chest because I am a teacher.

I got tired with this jilbab pressure. I feel that the jilbab is being associated with a good woman. The jilbab is being associated with our behavior, our morality. It is not true. I slowly ignored the jilbab requirement. I quit and finished my degree. But I chose not to work in education. I got a job in a private company. It does not have the mandatory jilbab requirement.¹⁷⁶



Girls at a primary school in Jakarta on a school outing all wear a jilbab and a long skirts.
©2018 Andreas Harsono/Human Rights Watch

¹⁷⁶ Human Rights Watch interview with a former kindergarten teacher [name withheld], Jakarta, September 15, 2020.

A self-described socially liberal woman with a Ph.D. explained the compromises she had to make to take a job as a lecturer in a public university in Jakarta.

When I applied in 2019, I bought a jilbab in the market. I wore it to enter the campus for the test and interview. I got the job and was made a civil servant.

Then the problems began. I am a devout Muslim, praying five times a day. Islam is a religion of peace. Jilbab cannot be coerced. The most important thing is to love it from the heart.

In Indonesia, it is common to see women wearing the headscarf but being involved in corruption, having sex affairs, engaging in other abusive behavior. Ratu Atut, the governor of Banten, is an example. She is jailed for massive corruption.¹⁷⁷ As a Muslim, I am ashamed to see the jilbab is being used, being manipulated like this.

On campus, there are social pressures on lecturers and students to wear the jilbab. I actually can't wear the jilbab. I have long hair, I've dyed my hair, sometimes red, sometimes blonde. When I wear the jilbab, my hair has to be tied up. You can imagine from 7 a.m. to 4 p.m., every working day, my head was dizzy, my scalp was moist. It is hot and humid. This is coercion. But I am doing it when working on campus. I do not wear my headscarf, except for campus events. If every woman is required to wear a headscarf, why not just change Indonesia to be officially an Islamic state?

Once I was thinking to resign but the dean rejected my resignation letter, saying that I am stupid to abandon this job. This is indeed a steady job. I cancelled my resignation. But the new dean asked me to compromise, saying that it is okay for me not to wear a jilbab off campus but not on campus.

¹⁷⁷ "Ratu Atut gets 5.5 years for another graft conviction," *The Jakarta Post*, July 20, 2017, <https://www.thejakartapost.com/news/2017/07/20/ratu-atut-gets-5-5-years-for-another-graft-conviction.html> (accessed on October 21, 2020).

My mother graduated from that campus in 1976. From her old photos, I saw not many students wearing jilbabs. Perhaps, only one of a group of female students wore a kerudung—not even a jilbab. The others did not wear a jilbab. It was normal, my mother told me.¹⁷⁸

A 28-year-old piano teacher at a state school in Bantul, Yogyakarta, described her treatment and the deep physical and psychological pain the jilbab rule had caused her. In 2019 she started to teach at a prominent state school. She attended an official ceremony at the Yogyakarta Governor’s office to welcome new teachers. She described her experience at the ceremony and after:

I read the dress code carefully. It says that we should wear Javanese dress: *lurik* (batik shirt), *jarik* (batik skirt), *selop* (leather shoes) and hair in a bun if a woman wears no jilbab. I put my hair in a bun. We moved from the office to the school after the ceremony. I was assigned to teach grade 11 students. After finishing my presentation, I was in the school compound, planning to leave, when a female teacher suddenly shouted, “Where is your jilbab? How dare you! You are a newcomer!”

I was shocked. I was afraid. The following morning, I decided to wear a jilbab and began to teach. But I took off the jilbab outside the school. In my social media, WhatsApp, Facebook, and Instagram, I also put a photo without a jilbab. But it was distressing. I felt like I am not being myself. I am a Muslim, but I do not believe that a Muslim woman must wear a jilbab.¹⁷⁹

The teacher’s mother, also a music teacher at the school, told her that all female teachers at the school had been pressured to wear a jilbab since 2014. In 2017, female students were also required to wear a jilbab, but a student reported what she termed an “abusive rule” to the Education Office in Yogyakarta, prompting the school to relax the pressure on schoolgirls to wear a jilbab.

¹⁷⁸ Human Rights Watch interview with a lecturer [name withheld] in a public university, Jakarta, September 18, 2020.

¹⁷⁹ Human Rights Watch interview with a piano teacher [name withheld] at a state school, Yogyakarta, September 24, 2020.

In September 2019, the teacher told the principal that she was not comfortable wearing a jilbab. She told him that she had never had to wear a jilbab in her university. He argued college students are mature enough to make this decision, but high school students are not. Teachers, he said, should be “a role model” for the schoolgirls.

She decided to use her social media to air her objection to the jilbab rule. She added an avatar in which she posed with her Javanese dress and her long hair, writing, “Don’t ask me where the jilbab is but please ask me where my hair bun is.” She argued that a jilbab is not required to be a good Muslim.

The teacher said she became psychologically distressed and started having headaches for months. In November 2019, a female colleague texted her in a threatening manner, saying, “We are not forcing you to wear a jilbab. We just remind you as a friend. If you take off your jilbab, do not blame us.”

One of her Javanese Muslim friends, who had moved to Bali, the predominantly Hindu island, saw her social media messages and texted her to say that she had moved to Bali because Java had become “a (Saudi) Arabic territory” because of the mandatory jilbab regulations. She captured that text and shared it with some of her friends on WhatsApp. A supervisor saw the image and warned her about that. She recalled the supervisor saying, “It is blasphemy against Islam.” The supervisor reminded the teacher to keep wearing a jilbab. She also asked the teacher to consult with the Islam religion teacher in the school to understand the Sharia requirement on jilbabs for Muslim girls and women.¹⁸⁰

Her mother decided to ask the school principal to intervene, informing him that her daughter was planning to resign. The principal asked the teacher to come to his office and asked her to listen to his three arguments: whatever her faith, she should wear a jilbab; she must start building relationships with her other colleagues; and she should never resign from the civil service as this would be “defaming this country.” She said:

I was crying and immediately going to the bathroom. I do not want my students and the other teachers to see me crying. But I cannot stand it. I

¹⁸⁰ Ibid.

was still crying in the teachers' room. My mother asked me, "What did the principal say?" I kept on crying. I told her about the three points.¹⁸¹

She said she then went to see a psychiatrist because of her constant headaches. The psychiatrist concluded that she was having "panic attacks" and prescribed anti-depressant medication.

She decided to visit the Education Office in Yogyakarta to report that she had been bullied for not wearing a jilbab. An official told her that she should write a resignation letter if she could not withstand the demands. In early 2020, she sent her resignation letter to the school principal with carbon copies to some offices in Yogyakarta. The principal unexpectedly called her and apologized for the mistreatment in the school, saying that her social media messages had been read in the influential Yogyakarta Palace.¹⁸²

Her letter also prompted some Christian colleagues to promise to defend her against bullies if she would remain at the school. Her mother also asked her to stay. She agreed to cancel her resignation if the school promised she would not to be forced to wear a jilbab. The Education Office and the principal agreed. She was also promoted.¹⁸³

In East Kalimantan, another ethnic Javanese teacher also resisted the jilbab pressures in a state school where she teaches traditional dance. The problem began when she decided to take off her jilbab in August 2019 because the air was "very hot and humid ... It was very itchy on my scalp. I also need to tie my hair to wear a jilbab. I thought it does not meet my conscience. I believe I should live with my own conscience. There is no regulation about wearing a jilbab in my school, so I took it off."¹⁸⁴ Her supervisor called her later in the evening and asked her if she was serious about this decision. "You might regret your

¹⁸¹ Human Rights Watch interview with a 28-year-old piano teacher [name withheld] at a state school, Yogyakarta, September 24, 2020.

¹⁸² In 1950, after Indonesia gained independence, Yogyakarta was formally given provincial status and the Sultan of the Yogyakarta Palace, Hamengku Buwono IX, was declared the governor. The current governor-cum-sultan is his son, Hamengku Buwono X. The sultanate and the Pakualaman principality, a smaller power in Yogyakarta, are widely seen to be the guardians of the Javanese culture. Iem Brown (ed), *The Territories of Indonesia*, Oxfordshire: Routledge, 2004.

¹⁸³ Human Rights Watch interview with a 28-year-old piano teacher [name withheld] at a state school, Yogyakarta, September 24, 2020.

¹⁸⁴ Human Rights Watch interview with a dance teacher who wanted to be attributed as "a teacher in a state school in East Kalimantan" [name withheld], [location withheld], September 28, 2020.

decision.” Her colleagues later politely pressured her to wear a jilbab, saying things like, “You are prettier with a jilbab” or “You’re more elegant with a jilbab.”

In October 2019, the teacher took four students—two boys and two girls—to dance at the Regency Office in a public ceremony to commemorate the Youth Pledge Day.¹⁸⁵ They were dancing a traditional Dayak dance. She said:

These four are the most talented students. We discussed what costumes that the students will wear. We decided to wear Dayak attire. I asked the girls whether they wanted to wear a jilbab with the Dayak costumes. I showed the girls about the costumes and the hair style. One of the girls said okay. She often performed in public without a jilbab. I asked them to ask for their parents’ agreements. And the parents agreed.¹⁸⁶

Traditional dance costumes in Indonesia do not include a jilbab. Some instructors have created costumes with jilbabs, but many traditional dances, such as the slow Javanese *gambong* dance or the Dayak dances in Kalimantan—with a mini-skirt, vest, and bare arms—are not amenable to a jilbab.

After the performance, the schoolgirls went back to the school in their costumes. Some teachers assumed the dance teacher had made the girls take off their jilbabs. In the ensuing days, these teachers confronted the girls in front of other students in the classrooms. “Why did you take off your jilbab?” the teachers asked, saying that wearing a jilbab is “in accordance with Islam.” The teachers’ remarks led some students to bully the two girls.

One of the girls’ parents complained to the school. The dance teacher said:

Her parents are also performance artists. They have a studio in this town. They have no problem at all with their daughter not wearing a jilbab for the

¹⁸⁵ The Youth Pledge was declared on October 28, 1928, during the Dutch Indies era when then youth leaders were making a pledge to fight for Indonesia’s multiculturalism. It was a landmark event in Indonesia’s history and also is considered the founding moment of the Indonesian national language. See Britannica.com, “Youth Pledge, Indonesian history,” n.d., <https://www.britannica.com/topic/Youth-Pledge> (accessed on October 22, 2020).

¹⁸⁶ Ibid.

performance. The principal summoned the other teachers and me. The teachers denied they were bullying her. They argued that “our religion” had taught us that girls should wear a jilbab. But they apologized. The principal told the parents that all Muslim schoolgirls should always wear a jilbab, whether they are studying or dancing or singing. The parents finally said, “Please do not enroll my daughter to be involved in any dancing activity. It was traumatic.”¹⁸⁷

After the meeting, the principal asked the dance teacher to only choose Christian schoolgirls to perform traditional dances. Out of 350 students at the school, only around 15 are Christian students, mostly indigenous Dayak.

¹⁸⁷ Ibid.

V. Jilbab Requirements for Visitors to Schools and Government Offices

Politicians who impose jilbab requirements on civil servants have said that the strictures should be “an example” for how women dress when they leave their homes. Some provinces and local governments have since begun to impose jilbab requirements on women who go to these offices to access government services or for other reasons.

Many local governments have not only created a hostile work environment for women but have established rules and norms requiring female visitors to wear a jilbab as well. Often government offices put up signs and posters saying that jilbabs are required or employ security guards who deny entry to women and sometimes girls who are not wearing a jilbab.

A woman who was asked to lecture at a high school in Gorontalo, Sulawesi, described her experience:

In 2018, I was assigned to visit a school to teach journalism for grade 9. My friend and I were representing a student newspaper at Gorontalo State University (Universitas Negeri Gorontalo), a state university in Gorontalo, Sulawesi Island.

I wore blue jeans and a T-shirt with a jilbab. My friend wore blue jeans, a T-shirt, and a checkered shirt. She did not wear a jilbab. We did not notice a billboard that said the school is a mandatory hijab zone. There are many schools in Gorontalo with such a rule. But we did not see the billboard. Once in the parking lot, we texted our senior editor, who had asked us to teach at this school, informing him that we were already in the parking lot. He said a teacher would come to pick us up. It was to be the first session of a full semester program.

The teacher met us in the parking lot. She was shocked. She said, “You have no jilbabs? No woman can enter the school without a jilbab. Women

are not allowed to show their *aurat* [a woman's entire body except for the hands, feet, and face]."

My friend was worried. She would try to find a jilbab nearby. She sent a text to some female friends who lived near the school asking if she could borrow a jilbab. The class was supposed to start. But nobody responded. Maybe they did not see her text. It was pretty early in the morning. The teacher suggested that my friend wait in the parking lot.... The teacher checked my T-shirt, pulling my shirt if it is long enough to cover my hip. She said it was long enough. I went inside the school. The teacher told me that she had expected a male student, "like usual," to come to teach.

The teacher later asked my senior to send men instead of women.... This (jilbab) rule will stop the students in that school from becoming open minded and thinking critically simply because of different clothes. They refuse to think differently from what is given to them there. Things like this will make students in the future become intolerant people.¹⁸⁸

Siti Ramadhania Azmi, a university student, said she was shocked by her treatment when she visited a government office in West Sumatra:

In 2017, I moved to Riau province, grade 11. It was the first time I was forced to wear a jilbab. Before that, I went to Don Bosco Catholic schools in Padang [in West Sumatra]. Bangkinang Kota is a small town in Kampar regency [in Riau]. In Bangkinang, when I did not wear a hijab, I was called "infidel" or "Christian" or "not a Muslim."

My classmate is a Protestant and was forced to wear *anak jilbab* (a skull cap-like cloth) to prevent her hair from protruding. I protested to the teacher. I said it is not fair. "Please tolerate her. She already wore her jilbab." But I was scolded. Off school, when I did not wear a jilbab, my

¹⁸⁸ Human Rights Watch interview with a young journalist [name withheld], Gorontalo, Sulawesi Island, September 18, 2020.

private tutor asked me to wear one. “Men will catcall or harass you if you do not wear a hijab.”

I graduated and moved to Padang because I cannot stand the atmosphere (in Bangkinang). I am depressed. My classmates do not engage in critical thinking. The education there is substandard. I enrolled at the Eka Sakti University, a private university. It has no mandatory jilbab rule except in the Islamic class.

Siti Ramadhania Azmi explained, however, that in Padang, many government offices have mandatory jilbab rules:

In 2018, my aunt asked me to accompany her to visit a *nagari* [village head] office in Solok Laweh, Solok regency [next to Padang]. “Hey, you cannot just enter this office,” screamed a female clerk. “You have to wear a jilbab.” I was shocked. What is the problem not wearing a jilbab? My aunt asked her, “What do you want? Why are you shouting? My niece came from Padang.” I was shocked. I decided to walk away. I grew up in Solok and know [the clerk]. I used to call her “*kak*” [sister]. It was a shock.¹⁸⁹

Some schools also require female visitors, including parents of students, to wear a jilbab. Said a student in Solok:

My school requires all mothers who come to the school for their children’s interests, such as picking up the annual report or attending teacher-parent meeting, to wear a jilbab. It does not matter whether the mothers are Christians or Muslims. The school declared that it is a “*kawasan busana Muslim*” [Muslim attire zone].

My mother is a Christian. She was stopped from attending a school meeting in my first year because she did not wear a jilbab. A security guard at the school barred her from entering the school compound. She went back

¹⁸⁹ Human Rights Watch interview with Siti Ramadhania Azmi, Padang, September 22, 2020.

home as she did not bring a jilbab. There was a lady who offered to lend her a jilbab, but she refused. It is a matter of principle. She took that as an affront to her Christian faith. The jilbab is not just a piece of clothing.

She felt humiliated. She asked my older brother to go to the school and to represent me in the meeting. My mother has since never wanted to come to my school. The school does not care. The school does not respect religious freedom. It simply ignores women like my mother—Christian mothers whose children study in this school—because we are a minority.¹⁹⁰

¹⁹⁰ Rights Watch interview with a Christian schoolgirl [name withheld], Solok, August 9, 2019.

VI. Harassment and Pressure to Wear the Jilbab in Public Spaces

Jilbab requirements have led to harassment of women in public spaces who choose not to wear a jilbab and imposition of pressure to conform.¹⁹¹

An early example was in Bitung, an industrial area in Tangerang, Banten province, near Jakarta. In 2005, a local ordinance was adopted banning sex work.¹⁹² The ordinance is silent on wearing a jilbab in public. However, officials claimed that the ordinance required the wearing a jilbab. Public order officials reportedly said that “good women” do not go out at night alone and that good women will always wear the jilbab. Only “bad women,” implying sex workers, would leave home at night without a jilbab.

Michelle, a part-time interpreter, told Human Rights Watch that she was detained one evening in 2005 soon after the ordinance went into effect:

It was around 10 p.m. and I was feeling hungry. So, my two girlfriends and I decided to go out to buy some snacks at a nearby Indomaret convenience store. We were in our home outfit, wearing T-shirts and pants. I wore long pants and my friends wore knee-length pants. When we were at the store, three [public security] officers in uniforms entered the store and asked for our ID cards. After looking at our IDs, they asked questions, “What are you girls doing here? Why are you out at night?” One of them told us that he was going to take us to their office. He said there was a curfew for women. We had breached the curfew. We were scared.

Michelle (pseudonym) was able to avoid arrest by convincing the officers to let her call someone. She called her friend, a police counter-terrorism officer:

¹⁹¹ In Aceh it is almost impossible for a woman to walk freely in public without a hijab. Human Rights Watch, *Policing Morality: Abuses in the Application of Sharia in Aceh, Indonesia* (New York: Human Rights Watch, 2010) <https://www.hrw.org/report/2010/11/30/policing-morality/abuses-application-sharia-aceh-indonesia>.

¹⁹² See 2005 Tangerang Ordinance No. 8 on the Banning of Prostitution, http://hukum.unsrat.ac.id/perda/perdatangerang2005_8.htm (accessed on August 7, 2019).

I told him that we were about to be taken to jail. The police officer asked me to hand the phone to the officers. I do not know what he said to the officers, but when he hung up, the officers returned our IDs and let us go.¹⁹³

Another woman told Human Rights Watch about a similar experience in Gorontalo, a city in Sulawesi, in 2011. She was at dinner with two male colleagues when an officer came up and asked for her ID card. He did not ask for her male friends' ID cards:

The officer told us that there was a curfew for women and that they were trying to make sure that there were no sex workers around. Beginning to get mad [on my behalf], my male co-worker told him that I was not a sex worker and the officer left.¹⁹⁴

Even when a formal policy does not exist, unofficial “rules” still put pressure on women to conform. Thohir, the Central Lombok regent, was explicit in his goals, making all women in his regency to wear not only the jilbab but also the niqab. Speaking at a public ceremony in Praya, the capital of Central Lombok, he called on female Muslim civil servants to wear the niqab as an “example” for other women, including visitors to government offices, as a part of the “cadarization” process (the idea that a woman must cover her entire body except her eyes).¹⁹⁵

A journalist at *Kompas* newspaper in Banyuwangi explained her experience at a popular beach in eastern Java:

In March 2017, I went to Santen beach, the most popular public beach in Banyuwangi, facing Bali Island. But it was some weeks after the local government had changed the name to “Shariah Beach.” It was changed when King Salman of Saudi Arabia was holidaying in Bali with his huge entourage. The government set up a checkpoint not only to charge visitors but, later I learned, to separate males and females.

¹⁹³ Human Rights Watch interview with Michelle (pseudonym), Jakarta, August 2, 2018.

¹⁹⁴ Ibid.

¹⁹⁵ “Di Balik Heboh ‘Cadarisasi’ ala Bupati Lombok Tengah” (Behind the Controversy of ‘Cadarisasi’ in Central Lombok), *Detiknews*, July 2, 2020, <https://news.detik.com/berita/d-5077785/di-balik-heboh-cadarisasi-ala-bupati-lombok-tengah> (accessed on July 21, 2020).

I went there with a female friend and four male friends. I wore a jilbab, but my friend did not. She wore blue jeans and a long sleeve shirt. It was after office hours. We were walking when a man in a civil servant uniform [Korpri] shouted and asked us—women—to move to the woman’s beach section. We did not see public order officials [Satpol PP] like usual. He said the officials had gone home but it did not mean the rule could be ignored. He insisted that we should stay on our side of the iron gate that separated the beach into male and female sections.¹⁹⁶

The Psychological Impact of Mandatory Hijab on Girls and Women

Many women and girls reported to Human Rights Watch that they suffer serious stress from being forced to wear a jilbab or resisting official and social pressures to do so. This stress manifests itself in different ways.

A psychiatrist at the Ministry of Health in Jakarta observed that some women who were pressured to cover their heads had reported the symptoms of body dysmorphic disorder, sometimes called dysmorphophobia, which is characterized by the obsessive idea that they feel parts of their bodies, in this case their covered heads, are flawed.¹⁹⁷

Ifa Hanifah Misbach, a psychologist in Bandung, who had helped young women and girls with traumatic experiences with the mandatory jilbab regulations said that they were uncomfortable with the peer pressure and the bullying they had faced to wear the jilbab. The easiest example to see a girl in distress is crying or not going to school. Misbach has 37 clients who experienced bullying. Two have tried to take their lives.

Misbach, herself a survivor of the jilbab bullying, told Human Rights Watch:

Being compelled to wear jilbab makes me angry. It’s just for the sake of being a good girl, it’s a label, I feel like a hypocrite. I feel I am deceiving my God. It makes me almost insane. I consulted a psychologist very often....

¹⁹⁶ Human Rights Watch interview with a journalist [name withheld] in Banyuwangi, September 21, 2020.

¹⁹⁷ Human Rights Watch interview with a psychiatrist [name withheld], Jakarta, September 6, 2018. Read also: Batirtze Artaraz, Leire Celaya, Eider Zuaitz, “Dysmorphophobia: From Neuroticism to Psychoticism,” in *Psychopathology in Women: Incorporating Gender Perspective into Descriptive Psychopathology*, Springer, September 9, 2014, https://link.springer.com/chapter/10.1007/978-3-319-05870-2_9 (accessed on November 18, 2020).

The lesson learned from my story is that the impact of religious pressures, especially to wear the jilbab, when you're young, makes it feel like you have no breathing room. I wanted to run away. I wanted to run away from my fanatical family, ending the prolonged grief.¹⁹⁸

When Ifa Misbach was a teenager, she loved to play basketball but was told to stop. Her mother is a Quran teacher in Bandung, often lecturing about Islam in West Java:

I wore my jersey outside home. I hid it from my own mother. So depressing. I'm happy when I am on the basketball court. But my seniors [older students] reported me to my mother. It ended my basketball fun.¹⁹⁹

When she went to work for the first time at a state university in Bandung, she wore boots, white jeans and a blazer, without a jilbab to cover her dyed hair. She described the other new recruits as a “sea of jilbabs in the hall with only white, black and gray.” She immediately began to face social pressure: “Many [senior] lecturers quip about me not wearing jilbab. My work clothing is a blazer. Every time I must raise my hand and the blazer sometimes lifted; I became the talk of the campus.”

She said that she is under psychological pressure to wear the jilbab. Ninety percent of female lecturers at her campus wear a jilbab. In her department, only five women do not. She said that if she were a Christian it would be tolerated. She said the campus organizes a monthly prayer or the Quranic recital:

Many women asked me, “Where is your *kerudung*?” Sometimes I wore the *kerudung*, but they also made their comments, “Alhamdulillah, beautiful! It's prettier if all is covered.” These are all women. In Sundanese culture, where respecting seniors is widely expected, it's difficult not to wear jilbab.²⁰⁰

¹⁹⁸ Human Rights Watch interview with Ifa Hanifah Misbach, Jakarta, July 27, 2018.

¹⁹⁹ Ibid.

²⁰⁰ Ibid.

Novi Poespita Chandra, a psychologist and lecturer at the Gadjah Mada University in Yogyakarta, set up a non-profit organization called *Gerakan Sekolah Menyenangkan* (Joyful School Movement) to promote critical thinking and to stop bullying in Indonesian schools. After studying how the hijab rules have been implemented, she concluded that they may have long-term psychological impacts on girls.

Chandra explained the impact on her three daughters. Her family previously lived for seven years in Melbourne where Chandra obtained her PhD at the University of Melbourne's School of Population and Global Health. When they returned to Indonesia, the three girls attended state schools in Yogyakarta in grades 8, 5, and 2, respectively. She observed that the pressure to wear a hijab increased considerably once her daughters entered junior high school in grade 7. She said:

In primary schools, the pressures to wear a hijab were not that intense. It changed once the girls entered SMP [junior high school], with social pressures and innuendos, not only from the teachers but also the more senior students. My daughters were the only Muslim students who did not wear hijabs. They often asked my daughters, "You're not a Muslim, are you?" My daughters were shocked. They were educated in Melbourne. My husband had a strong *pesantren* [Islamic boarding school] education with high Islamic literacy. We could educate our children about human rights, about respects from the Islamic perspective. In Australia, they were educated to have critical thinking.

At school, when facing those bullies, they could ask the right questions. My daughters are tough. My oldest daughter even questioned the school when her Christian classmate was required to wear a hijab during a marching competition. The school argued that it was for the sake of uniformity. That is exactly the problem. Our students are not educated to understand diversity but uniformity. My daughters could speak up and their parents support them. But I am not so sure about other schoolgirls. They are forced to live in uniformity. They are not encouraged to discover similarities as

well as to appreciate differences.²⁰¹

Chandra told Human Rights Watch that the responses among Muslim schoolgirls who resist the mandatory hijab regulation could be divided into three categories:

First, some will experience psychological problems including stress, depression, and anti-social attitudes. They might not appear during the schooling period as the girls are mostly still in their teens but appear when they are older. But some schoolgirls already showed symptoms in school. Second, the adaptive ones will wear the hijab at school but take it off outside the school compound. It is common to see high school students without their hijabs in shopping malls. Finally, some are brave and critical thinkers and can challenge the pressures.²⁰²

Many schoolgirls and women prefer the adaptive approach, wearing the jilbab to avoid social pressures, bullying, intimidation, or punitive sanctions. It is unclear how and to what extent two decades of mandatory jilbab rules in Indonesia have affected millions of girls and women.

²⁰¹ Human Rights Watch interview with Novi Poespita Chandra, Yogyakarta, July 25, 2020.

²⁰² Ibid.

VII. International Human Rights Standards

Indonesia is a party to the core international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).²⁰³

The Indonesian government's enforcement of its jilbab regulations against women and girls violates provisions in several treaties, including the rights to freedom of religion, expression, privacy, and personal autonomy.

Human Rights Watch takes no position on whether wearing the hijab, jilbab, or niqab is desirable. We oppose government policies of both forced veiling, as well as blanket or disproportionate bans on the wearing of religious dress, as in France, Germany, and China's Xinjiang region, as a discriminatory interference with basic rights. Human Rights Watch has repeatedly criticized governments and de facto authorities, such as the Islamic State and Taliban, for their enforcement of dress codes.

Freedom of Religion and Expression

Article 18 of the ICCPR, which Indonesia ratified in 2006, states that, “No one shall be subject to coercion which would impair his [or her] freedom to have or to adopt a religion or belief of his [or her] choice.”²⁰⁴ The Human Rights Committee, the body of independent experts established by the United Nations to monitor implementation of the ICCPR, has stated in a general comment that, “The freedom from coercion to have or to adopt a religion or belief ... cannot be restricted.”²⁰⁵ The Human Rights Committee also said that

²⁰³ Office of the United Nations High Commissioner for Human Rights, “Ratification Status for Indonesia,” n.d., https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=80&Lang=EN (accessed on January 30, 2019).

²⁰⁴ International Covenant on Civil and Political Rights (ICCPR) G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976, art. 18(2). Indonesia ratified the ICCPR in 2006.

²⁰⁵ UN Human Rights Committee, General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), July 30, 1993, CCPR/C/21/Rev.1/Add.4, available at: <https://www.refworld.org/docid/453883fb22.html> (accessed September 30, 2020).

the right to freedom of religion may be violated “when women are subjected to clothing requirements that are not in keeping with their religion or their right of self-expression; and ... when the clothing requirements conflict with the culture to which the woman can lay a claim.”²⁰⁶

Several UN independent experts have criticized rules that require wearing religious dress in public. In 2006, Asma Jahangir, the late UN special rapporteur on freedom of religion or belief, said that the “use of coercive methods and sanctions applied to individuals who do not wish to wear religious dress or a specific symbol seen as sanctioned by religion” indicates “legislative and administrative actions which typically are incompatible with international human rights laws.”²⁰⁷

Article 14(1) of the Convention on the Rights of the Child guarantees freedom of religion for children by establishing that states must “respect the right of the child to freedom of thought, conscience and religion.”²⁰⁸ Laws and regulations requiring female students to wear the hijab or the jilbab at school violate the obligation of state authorities under international law to respect the rights of the child to religious freedom and personal autonomy and the duty to avoid coercion in matters relating to religious freedom.²⁰⁹

Article 14(2) of the CRC guarantees parents or legal guardians the right to ensure the religious and moral education of their children in general conformity with their own convictions about a child’s upbringing.²¹⁰ The special rapporteur on freedom of religion or belief, Ahmed Shaheed, recently emphasized that this right “must be fully respected.”²¹¹

²⁰⁶ UN Human Rights Committee, General Comment No. 28, Equality of rights between men and women (article 3), CCPR/C/21/Rev.1/Add.10 (2000), para. 13.

²⁰⁷ UN Human Rights Council, Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir, “Civil and Political Rights, Including the Question of Religious Intolerance,” Commission on Human Rights, sixty-second session, E/CN.4/2006/5, January 9, 2006, para. 55.

²⁰⁸ Convention on the Rights of the Child (CRC), G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force Sept. 2, 1990, art. 14(1). Indonesia ratified the CRC in 1990.

²⁰⁹ ICCPR, art. 18(2).

²¹⁰ CRC, art. 14(2).

²¹¹ UN Human Rights Council, Report of the Special Rapporteur on freedom of religion and belief, A/HRC/37/49, para 85. The Human Rights Committee has also stated that religious freedom, “naturally includes family life: UN Human Rights Council, Report of the Special Rapporteur on freedom of religion or belief, A/HRC/31/18, Human Rights Council, December 23, 2015, thirty-first session, para. 24.

Primary school-aged children are especially vulnerable to coercive measures given their age and that education at that level is compulsory. At particular risk of discrimination are children belonging to religious minorities.

Prohibition against Discrimination

Article 3 of the ICCPR states that men and women should enjoy equal access to all the civil and political rights set forth in the covenant, a principle reiterated in the CEDAW.

CEDAW obligates states to “refrain from engaging in any act or practice of discrimination against women,” to ensure that public authorities and institutions similarly refrain from doing so, and to “take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.”²¹²

It permits differences of treatment based on sex only where they are based on reasonable and objective criteria, pursue a legitimate goal, and are proportionate to the aims sought to be realized. Indonesia’s mandatory jilbab regulations—which mandate that women and girls wear the jilbab, prohibits them from wearing the clothing of their choice, and requires them to cover all of their bodies except their hands, feet, and face—fail this test.

Under international human rights law, both direct and indirect discrimination on protected grounds is strictly prohibited. A law nominally neutral on its face may still result in indirect discrimination if it has a disproportionate impact on a group.²¹³ Compulsory dress codes constitute a form of gender-based discrimination prohibited under human rights conventions, including the ICCPR and CEDAW.

²¹² Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force Sept. 3, 1981, art. 2.

²¹³ The CEDAW Committee has stated that the definition of discrimination in article 1 of the convention covers both direct and indirect discrimination by public and private actors. See, for example, “CEDAW Committee Concluding Comments on the Belize initial report,” cited in United Nations/Division for the Advancement of Women, *Assessing the Status of Women: A Guide to the Reporting Under the Convention on the Elimination of All Forms of Discrimination Against Women* (New York: United Nations, 2000), p. 102.

Right to Privacy and Personal Autonomy

Article 17 of the ICCPR states that “no one shall be subjected to arbitrarily or unlawful interference with his [or her] privacy” and that everyone has “the right to the protection of the law against such interference.”²¹⁴ This right has been interpreted to include “that particular area of individual existence and autonomy that does not touch upon the sphere of liberty and privacy of others.”²¹⁵

The right to autonomy is a core principle of women’s rights.²¹⁶ This principle encompasses the right to make decisions freely in accordance with one’s values, beliefs, personal circumstances, and needs. Exercise of this right presupposes freedom from coercion as well as freedom from illegitimate restrictions. As with the right to religion, a state can only restrict this right if such a restriction is carried out for a legitimate aim, is nondiscriminatory, and the extent and impact of the restriction is strictly proportionate to meeting the aim. It is for the authority to justify its restriction.²¹⁷

Best Interests of the Child

Article 3(1) of the CRC requires that in all actions concerning children, the “best interests of the child shall be a primary consideration.” States have a positive obligation to protect all children within their jurisdiction against abuse, neglect, and exploitation and to ensure that children enjoy an adequate standard of living for their physical, mental, spiritual, moral, or social development.²¹⁸ States may not discriminate in the provision of the convention’s rights and protections and must take all appropriate measures to ensure that children are protected from discrimination based, among other things, on the basis of the

²¹⁴ ICCPR, art. 17; see also CRC, art. 16.

²¹⁵ Manfred Nowak, *U.N. Covenant on Civil and Political Rights: CCPR Commentary* (Kehl am Rhein, Germany: N.P. Engel, 1993), p. 294.

²¹⁶ See, for example, J. Marshall, “A Right to Personal Autonomy at the European Court of Human Rights,” *European Human Rights Law Review*, number 3, 2008, p. 337. The importance of the right to autonomy to the exercise of women’s rights is illustrated by numerous rights established in CEDAW, notably the right of women to legal capacity identical to men in civil matters (article 15), the right to freedom of movement and free choice with respect to her residence (article 15(4)), as well as the same conditions of access and the right to non-discrimination in education and employment (articles 10 and 11, respectively).

²¹⁷ See, for example, UN Human Rights Committee, General Comment No. 16.

²¹⁸ CRC, arts. 2, 3, 19, 27, 32, 34, and 36. Article 2(1) of the CRC states that states “shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”

status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members.²¹⁹

In 2010, the UN special rapporteur on freedom of religion and belief, Heiner Bielefeldt, in a thematic report focusing on freedom of religion or belief and school education, stated that:

...respect for difference based on freedom of religion or belief requires an attitude of giving students (or their parents or guardians) the possibility to decide for themselves whether, to which degree and on which occasions they wish to manifest, or not manifest, their religion or belief.... It is the obligation of the State to provide an appropriate framework conducive to this goal, always bearing in mind the best interests of the child as an overarching principle laid down in article 3, paragraph 1, of the Convention on the Rights of the Child.²²⁰

Right to Education

The ICESCR, CRC, and CEDAW guarantee the right to education.²²¹ The CRC and Committee on Economic, Social and Cultural Rights have made clear that education at every level, including technical and vocational education, must be available to all on a non-discriminatory basis.²²²

The Committee on the Rights of the Child when considering Indonesia’s compliance with the CRC in 2014, specifically expressed concern about “social pressure on non-Muslim students to wear Islamic dress at school” and urged the Indonesian government to

²¹⁹ CRC, art. 2.

²²⁰ UN Human Rights Council, Report of the Special Rapporteur on freedom of religion or belief, A/HRC/16/53, December 15, 2010, Human Rights Council, sixteenth session, para. 40.

²²¹ International Covenant on Economic, Social and Cultural Rights (ICESCR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force Jan. 3, 1976, art. 13; CEDAW, art. 10. Indonesia ratified the ICESCR in 2006.

²²² UN Committee on Economic, Social, and Cultural Rights, General Comment No. 13 on the right to education, E/C.12/1999/10, twenty-first session, December 8, 1999.

“combat every kind of social pressure on children to adhere to the rules of a religion with which he or she is not affiliated.”²²³

The special rapporteur on the freedom of religion or belief specifically considered the issue of freedom of religion and school education, noting that the topic requires “very careful handling” in that “school life can put persons in situations of unilateral dependency or particular vulnerability” and “[s]tudents may feel exposed to pressure exercised by fellow students, teachers or the school administration.”²²⁴ Regarding the wearing of religious symbols and garments, the special rapporteur stated:

...the goal must always be to equally protect the positive and the negative aspects of freedom of religion or belief, i.e. the freedom positively to manifest one’s belief, for instance by wearing religious clothing, and the freedom not to be exposed to any pressure, especially from the State or within State institutions, to perform religious activities.²²⁵

Additionally, the special rapporteur stated that any such restriction must not favor one religious group over another, but also must account for “women’s rights, in particular the principle of equality between men and women and the individual’s freedom to wear or not to wear religious symbols.”²²⁶ Enforcement of Islamic dress in educational institutions in the absence of restrictions on other religious clothing discriminates against female students and may interfere with their right to education.

²²³ Committee on the Rights of the Child, Concluding Observations on the Combined Third and Fourth Periodic Reports of Indonesia, Crc/C/Idn/Co/3-4, July 10, 2014, paras. 29-30.

²²⁴ UN Human Rights Council, Report of the Special Rapporteur on freedom of religion or belief, A/HRC/16/53, December 15, 2010, Human Rights Council, sixteenth session, para. 23. The previous special rapporteur, in considering restrictions and prohibitions on wearing religious symbols, also noted, “[i]n general schoolchildren are generally considered vulnerable in view of their age, immaturity and the compulsory nature of education.” Report of the Special Rapporteur on freedom of religion and belief, Asma Jahangir, E/CN.4/2006/5, January 9, 2006, Commission on Human Rights, sixty-second session, para. 56.

²²⁵ UN Human Rights Council, Report of the Special Rapporteur on freedom of religion or belief, A/HRC/16/53, December 15, 2010, Human Rights Council, sixteenth session, para. 45.

²²⁶ UN Human Rights Council, Report of the Special Rapporteur on freedom of religion or belief, A/HRC/16/53, December 15, 2010, para. 46. See also.

Minority Rights

Under article 27 of the ICCPR, in states where religious and other minorities exist, members of minorities shall not be denied the right, in community with the other members of their group, to profess and practice their own religion. The UN General Assembly Minorities' Declaration adds to this by stating in article 1 that states "shall protect the existence and ... religious ... identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity."²²⁷

Compulsory dress codes, if they include wearing religious articles, disproportionately affect religious minorities, stigmatize members of those minorities, and have a negative impact on children's enjoyment of the right to education, often with a disproportionate impact on girls. Schools may have policies on uniforms, but these should not impose specific religious symbols on those who choose not to adopt them.²²⁸

²²⁷ UN General Assembly, "Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities," resolution 47/13, December 18, 1992, art. 1(1), <https://www.ohchr.org/en/professionalinterest/pages/minorities.aspx> (accessed on January 30, 2019).

²²⁸ See *ibid.*, art. 3(2).

VIII. Recommendations

To President Joko Widodo

- Actively enforce the February 3, 2021 decree issued by the Ministries of Education and Culture, Home Affairs, and Religious Affairs that bans abusive, discriminatory dress codes for female students and teachers in Indonesia's state schools.
- Issue a public policy statement that all national and local ordinances and regulations requiring the jilbab and other female clothing are discriminatory, should not be enforced, and should be repealed.
- Send to parliament draft legislation repealing existing provincial and local regulations that discriminate on the basis of gender, including regulations that require women and girls to wear a jilbab or other prescribed clothing, and banning any new discriminatory regulations in the future.
- File cases at the Constitutional Council and Supreme Court seeking to invalidate discriminatory local dress regulations.
- Instruct the Pramuka (the national scouting movement) to repeal provisions of the 2012 scout uniform regulation that have been widely interpreted as requiring female scouts and schoolgirls to wear the jilbab and other religious dress at school and during their outdoor activities, including the long skirts.
- Work with Islamic organizations, including the Nahdlatul Ulama and the Muhammadiyah, to create a public messaging campaign against requiring or pressuring women and girls to wear the jilbab or other Islamic dress, and promoting tolerance and inclusivity.
- Take steps to ensure that all laws and regulations are consistent with Indonesia's international human rights obligations, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

To the Speaker of the House of Representatives

- Act expeditiously to pass a draft law repealing existing provincial and local regulations that discriminate on the basis of gender, including regulations that require women and girls to wear a jilbab or other prescribed clothing, and ban any new discriminatory regulations in the future.

- Review the 2004 Autonomy Law, some of whose articles were invalidated by the Constitutional Court in 2017, to empower the central government to reject local ordinances contradicting the constitution and national law.
- Press members of the House of Representatives to remove discriminatory clauses in the draft Criminal Code when it is to be deliberated again after it was shelved in 2019 after massive street protests.

To the Speaker of the House of Regional Representatives

- Ask regional representatives to review the more than 700 allegedly discriminatory regulations, including on mandatory jilbab, and revoke those that are discriminatory.

To the Minister of Home Affairs

- Coordinate with other government ministries, including the Ministry of Education and Culture and the Ministry of Religious Affairs, to enforce the February 3, 2021 joint decree that bans abusive, discriminatory dress codes for female students and teachers in state schools and review local ordinances with those alleged discriminatory articles.
- Order government officials, including governors, mayors, regents, and other local officials, to revoke discriminatory ordinances and to stop pressuring women and girls to wear the jilbab or other religious dress. Take disciplinary action against local government heads and government employees who violate this order.
- Review the ordinances in Aceh that discriminate women and girls on their clothing and use the 2005 agreement between the Indonesian government and the Aceh/Sumatra National Liberation Front, signed in Helsinki in 2005, to make sure that Aceh authorities are to adhere to the agreement in which the Acehnese group had agreed to follow Indonesia's national laws as well as the international agreements on human rights.

To the Minister of Foreign Affairs

- Invite the Office of the United Nations High Commissioner for Human Rights and special rapporteurs on women's rights, children's rights, education, religious freedom, and freedom of expression to visit Indonesia and review laws and regulations requiring women and girls to wear the jilbab and other Islamic dress.

- Present a policy paper to the Cabinet that explains Indonesia’s obligations under international law, including the Convention Against Discrimination in Education, to protect the rights of women and girls from discriminatory laws and regulations and to take steps to revoke such laws and regulations as well as to ratify the Convention.

To the Minister of Education and Culture

- Coordinate with other government ministries, including the Ministry of Home Affairs and the Ministry of Religious Affairs, to enforce the 2021 joint decree that bans abusive, discriminatory dress codes for female students and teachers in state schools and make sure that nearly 300,000 state school principals revoking rules that discriminate schoolgirls and female teachers. Clarify that the jilbab is not a compulsory part of the school uniform.
- Improve and better publicize the ministry’s mechanism whereby girls or their parents can complain by email, text, phone, or chat room when they are required to wear a jilbab or other school uniform component that violates their rights. Female counsellors should be employed to respond to complaints.
- Coordinate with the Pramuka scouting movement to review their 2012 scout-uniform regulation that requires Muslim girls to wear jilbabs in their outdoor activities and at schools. Make sure that girl scouts are not required and are under no pressure to wear jilbabs.
- Promote women’s and girls’ rights in the national curriculum and make sure that all national and local curriculum do not promote religious intolerance and hate speech.

To the Minister of Religious Affairs

- Coordinate with other government ministries, including the Ministry of Home Affairs and the Ministry of Education and Culture, to enforce the 2021 joint decree that bans abusive, discriminatory dress codes for female students and teachers in state schools and advise nearly 300,000 state school principals to revoke school rules that discriminate schoolgirls and female teachers.
- Review dress codes in Islamic state schools and universities under the Ministry of Religious Affairs, which makes mandatory jilbab requirement and study the impact of these rules on Muslim schoolgirls studying there.

To the Minister of Women Empowerment and Child Protection

- Issue a public policy statement that these mandatory jilbab regulations are abusive and that women and girls should have the freedom to choose what to wear.
- Enhance the Child Friendly School (Sekolah Ramah Anak) program, which aims to fulfill children's rights and ensure they have a clean, safe, neat, inclusive, healthy, and comfortable education setting, free from violence and discrimination. Make sure that the program protects schoolchildren and their female teachers from mandatory jilbab rules or intimidation.
- Strengthen the consultative role of the ministry's Regional Technical Implementation Unit for the Protection of Women and Children (*Unit Pelaksana Teknis Daerah Perlindungan Perempuan dan Anak*) to protect and provide services for women and children who experience discrimination and intimidation over their choice of whether to wear a jilbab, as well as in the formulation of local ordinances, including the development of its human resources and promote more female leadership.
- Ensure the ministry's Guidelines for the Protection of Children of Religious Minorities from Violence and Discrimination are disseminated nationwide and enforced.

To the Minister of Law and Human Rights

- Review discriminatory local regulations and decrees on jilbab clothing, including the 2012 Pramuka scout-uniform regulation that requires Muslim girls to wear jilbabs in their activities.

To the National Commission on Violence Against Women (Komnas Perempuan)

- File cases at the Constitutional Council and Supreme Court seeking to invalidate discriminatory local dress regulations.

To the United Nations and Governments

- The UN High Commissioner for Human Rights and all member states should call on the Indonesian government to stop enforcement of and repeal all national and local laws and regulations requiring the jilbab and other Islamic dress.
- The High Commissioner and all member states should urge the Indonesian government to ensure that all laws and regulations in Indonesia are consistent with

Indonesia's international human rights obligations, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

- The United Nations Children's Fund should urge the Ministry of Education and Culture and the Pramuka Movement to fulfill their obligation to protect all children against discriminatory rules and regulations; ensure children's equal enjoyment of education, and work with relevant government institutions to update the policy on state school uniforms; and ensure all related school policies focus on preventing discrimination and bullying on the basis of gender or religion in schools and educational spaces.
- The United Nations Educational, Scientific and Cultural Organization should urge the Indonesian government to implement the 1960 Convention against Discrimination in Education, which it ratified in 1967, and ensure its policies fully guarantee non-discrimination in the education system.
- The United Nations Educational, Scientific and Cultural Organization should also ensure Indonesia promptly submits its Member State report to the Executive Board on measures it is taking to ensure non-discrimination in its schools, in line with UNESCO's General Conference recommendations against discrimination in education.
- UN Women should call on the Indonesian government to stop enforcement of mandatory dress codes on women and girls, and work with the Indonesian authorities to repeal discriminatory laws against women and girls, including national and local laws and regulations that include mandatory dress codes.
- The UN Working Group on discrimination against women in law and practice should request an invitation to conduct a country visit to Indonesia and, among other issues, should address restrictions on women's dress, including jilbabs.
- The UN Special Rapporteur on Education should provide guidance to the Indonesian government to ensure its policies fully comply with Indonesia's international obligations on the right to education, including non-discrimination.
- The European Union, which helped broker the 2005 Helsinki peace agreement, should remind both Jakarta and Aceh that the Helsinki agreement legally binds Aceh province to enforce Indonesia's national laws and regulations as well as the international covenants that Indonesia has ratified, including the International Covenant on Civil and Political Rights. Aceh should repeal its 2004 mandatory jilbab ordinance.

To Donors and International Financial Institutions

- In line with its commitment to ensure World Bank-funded projects promote gender equality, safeguard marginalized communities, and do not perpetuate discrimination, the World Bank should guarantee that its education support to the Indonesian government—including via the Improving Dimensions of Teaching, Education Management and Learning Environment (ID-TEMAN) Trust Fund in collaboration with the Australian government—does not directly or indirectly perpetuate discrimination against students on the basis of gender or religion.

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Appendix 1: Mandatory Jilbab Regulations in Indonesia

(shaded areas are national and provincial regulations, others are local)

Regulation	Signatory	Province	Year
Regent of Indramayu Regency decree on Mandatory Islamic Dress Code and the Quran Literacy for School Students in Indramayu	Mr. Irianto Syafiuddin	West Java	2001
Regent of Tanah Datar Regency decree No. 451.4/556/Kesra-2001 on Islamic Dress Code for Muslim Men and Women within the jurisdiction of the Ministry of Education and the Ministry of Manpower in Tanah Datar	Mr. Masriadi Martunus	West Sumatra	2001
Regent of Tasikmalaya Regency decree No. 556.3/SP/03/Sos/2001 on Public Swimming Pool Management in Tasikmalaya	Mr. Tatang Farhanul Hakim	West Java	2001
Governor of West Sumatra decree No. 260/421X/Ppr-05 on Islamic Dress Code and Conduct for Heads of Local Departments/Agencies/Offices/Bureaus in the West Sumatra province	Mr. Zainal Bakar	West Sumatra	2001
Regent of Solok City Regulation No. 6 of 2002 on Mandatory Islamic Dress Code in Solok	Mr. Gamawan Fauzi	West Sumatra	2002
Governor of Aceh Qanun No. 5 of 2002 on the Implementation of Islamic Sharia in the Province of Aceh	Mr. Ramli Ridwan	Aceh	2002
Regent of Bulukumba Regency Regulation No. 5 of 2003 on Islamic Dress Code for Muslim Men and Women in Bulukumba	Mr. Patabai Pabokori	South Sulawesi	2003
Regent of West Pasaman Regency Regulation No. 22 of 2003 on Islamic Dress Code for Muslim and Women Students and Employees in Pasaman	Mr. Baharuddin	West Sumatra	2003
Regent of Sawahlunto Regency Regulation No. 2 of 2003 on Islamic Dress Code for Muslim Men and Women in Sawahlunto	Mr. Darius Apan	West Sumatra	2003
Mayor of Lima Puluh Kota Regency Regulation No. 5 of 2003 on Islamic Dress Code for Muslim Men and Women	Mr. Alis Marajo	West Sumatra	2003
Regent of Mandailing Natal Regency Regulation No. 6 of 2003 on Islamic Dress Code for Muslim Men and Women	Mr. Dahlan Hasan Nasution	North Sumatra	2003
Regent of Pandeglang Regent decree No. 9 of 2004 on	Mr. Achmad	Banten	2004

School Uniforms for Elementary and Secondary Schools	Dimiyati Natakusumah		
Regent of Sukabumi Regency Instruction No. 4 of 2004 on Mandatory Islamic Uniform for High School and University Students	Mr. Achmad Fahmi	West Java	2004
Regent of Dompu Regency Decree No. Kd. 19.05./1/HM.00/1330/2004 on the drafting of Dompu Regency Regulation No. 1 of 2002	Mr. Lalu Djafar Suryadi	Sumbawa Island, West Nusa Tenggara	2004
Regent of Indramayu official Notice Regency No. 451.11/2412/Kesra 2002 on Enhancing Islamic Faith and Piety	Mr. Irianto MS. Syafiuddin	West Java	2004
Regent of Sukabumi Regency Secretary official letter No. 450/1019 concerning the distribution of Official Instruction by Regent of Sukabumi Regency No.04 of 2004 on Islamic Dress Code for Students and University Students in Sukabumi	Mr. Sukmawijaya	West Java	2004
Regent of Banjarmasin Regency Circular Letter No. 065.2/0023/ORG on Mandatory Jilbab for Female Civil Service Employees in 2004	Mr. Iskandar	South Kalimantan	2004
Mayor of Bengkulu Instruction concerning Mandatory Islamic Outfit during Ramadan	Mr. Reskan Effendi Awaluddin	Bengkulu	2004
Secretary of Indramayu Regency Circular Letter No. 025/376/Kesra concerning the Implementation Guidelines for Official Dress Code/School Uniforms for Muslim Women (Mandatory Jilbab)	Mr. Irianto MS Syafiuddin	West Java	2004
Governor of South Kalimantan Circular Letter No. 065/01196/ORG of 2005 on Official Dress Code during Office Hours (Complementary to Circular Letter by the Governor of South Kalimantan No. 065/02292/ORG of 2001 on Official Uniform during Office Hours within the Provincial Government of South Kalimantan)	Mr. Rudy Ariffin	South Kalimantan	2005
Regent of Enrekang Regency Regulation No. 6 of 2005 on Islamic Outfit	Mr. La Tinro La Tunrung	South Sulawesi	2005
Regent of Maros Regency Regulation No. 16 of 2005 on Islamic Dress Outfit for Muslim Men and Women in Maros	Mr. Andi Nadjamuddin Aminullah	South Sulawesi	2005

Regent Agam Regency Regulation No. 6 of 2005 on Wearing Islamic Outfit	Mr. Aristo Munandar	West Sumatra	2005
Mayor of Padang Instruction No. 451.442/Binsos-III/2005 on Wirid Programs for Teenagers, Eradication of Drugs/Gambling, and Islamic Dress Code for Muslim Male and Female Students of Elementary, Secondary, and Madrasa Schools in Padang	Mr. Fauzi Bahar	West Sumatra	2005
Regent of South Pesisir Regency Local Regulation No. 4 of 2005 on Islamic Dress-Code for Men and Women	Mr. Darizal Basir	West Sumatra	2005
Chief of the Education and Culture Department of Central Java Circular Letter No. 025/29897/2005 dated June 30, 2005 on Official School Uniform	Mr. Suwilan Wisnu Yuwono	Central Java	2005
Regent of South Solok Regency Regulation No. 6 of 2005 on Islamic Dress Code for Muslim Men and Women	Mr. Gusmal	West Sumatra	2005
Regent of Indramayu Regency Circular Letter No. 425.3/1305/Kesra	Mr. Irianto MS Syafiuddin	West Java	2006
Regent of Cianjur Regency Regulation No. 15 of 2006 on Official Uniform for Employees of the Regency Government of Cianjur	Mr. Tjetjep Muchtar Soleh	West Java	2006
Governor of Bengkulu Regulation No. F.19 of 2007 on Official Dress-Code for Civil Service Employees within the Provincial Government of Bengkulu	Mr. Agusrin Maryono Najamuddin	Bengkulu	2007
Regent of Banjar Circular Letter No. 800/041-Binapeg/BKD of 2007 on Official Dress-Code	Mr. Herman Sutrisno	South Kalimantan	2007
Regent of West Pasaman Regency Regulation No. 07 of 2007 on Islamic Dress Code for Muslim Students and Employees (Men and Women)	Mr. Gamawan Fauzi	West Sumatra	2007
Governor of West Sumatra Circular Letter by No. 800/342/BKD/2007 Calling for An Islamic Dress-Code (Dress and Long Skirts)	Mr. Gamawan Fauzi	West Sumatra	2007
Regent of Indramayu Regency Official Notice No. 451/848/Kesra on student admission for 2007/2008 academic year	Mr. Irianto MS Syafiuddin	West Java	2007
Mayor of Sawahlunto Official Notice No. 800/604/KKD-SWL/2007 on Official Islamic Dress Code (Mandatory Long Skirt)	Mr. Amran Nur	West Sumatra	2007
Regent of Banjar Regulation No. 19 of 2008 on Official Dress-Code for Civil Service Employees within the	Mr. Herman Sutrisno	South Kalimantan	2008

Government of Banjar Regency			
Regent of Sukabumi Regulation No. 33 of 2008 on Standards for Self-Development Program in Ethics at Schools and Madrasa	Mr. Sukmawijaya	West Java	2008
Regent of Payakumbuh Regency Regulation No. 10 of 2008 on Compulsory Quran Literacy for Schoolchildren and Future Bride and Groom	Mr. Josrizal Zain	West Sumatra	2008
Major of Mataram City Regulation No. 4 of 2009 on Implementing Education in the City of Mataram	Mr. Moh. Roslan	Lombok Island, West Nusa Tenggara	2009
Governor of South Kalimantan Circular Letter No. 065/01196 on Official Dress Code during Office Hours	Mr. Rudi Ariffin	South Kalimantan	2009
Regent of Kampar Regency Official Notice No. 800/BKD/SET/456 dated August 3, 2010 establishing official working hours for civil service employees throughout Ramadan 1431 Islamic Year/2010	Mr. Burhanuddin Husin	Riau	2010
Regent of Bungo Regency Official Notice No. 800/234/BKD/2010 on Mandatory Islamic Dress Code for Muslim Men/Women during the holy month of Ramadan	Mr. Zulfikar Achmad	Jambi	2010
Regent of Tasikmalaya Regency Official Notice No. 061/0659/Org/2010 on Official Dress Code for Civil Service Employees in the Regency of Tasikmalaya	Mr. Tatang Farhanul Hakim	West Java	2010
Regent of West Aceh Regency Regulation No. 5 of 2010 on the Prohibition of Tight Pants in West Aceh Regency	Mr. Ramli MS	Aceh	2010
Regent of Demak Circular Letter No. 065/162/2010 on Official Uniform for Civil Service Employees	Mr. Tafta Zaini	Central Java	2010
Regent of Paser Regency Regulation No. 9 of 2010 concerning Official Uniform for Civil Service Employees	Mr. Ridwan Suwidi	East Kalimantan	2010
Regent of Soppeng issued a circular letter No. 300/663/ortala/I X/2011 on Wearing Jilbab	Mr. Andi Soetomo	South Sulawesi	2011
Regent of Pamekasan (East Java) Regency Official Notice in 2011, Calling for Mandatory Islamic Dress-Code for Muslim Men/Women in Civil Service	Mr. Kholilurrahman	Madura Island, East Java	2011
Regent of Batanghari Regency Regulation No. 21 of 2011 on Guidelines for Official Dress Code for Civil Service Employees in the Regency of Batanghari	Mr. Abdul Fattah	Jambi	2011

Regent of Soppeng Regency Regulation No. 16/Perbup/XII/2011 on Guidelines on Official Dress Codes for Civil Service Employees within the Government of Soppeng Regency	Mr. Andi Soetomo	South Sulawesi	2011
Mayor of Bireuen Decree No. 123 of 2012 dated April 16, 2012 on the Formation of an Integrated Raid Team to Coordinate the Security and Surveillance of the Enforcement of Islamic Sharia in Bireuen	Mr. Nurdin Abdurrahman	Aceh	2012
Chairman of the National Scout Movement (Pramuka) on the National Instruction for the Implementation of Uniform for Scout Members, dated December 21, 2012. It includes specific uniform for “female Muslim” with jilbab, long skirt and long-sleeve shirt	Mr. Azrul Azwar	Indonesia	2012
Mayor of Banda Aceh Circular Letter No. 061.2/0941 on June 23, 2014 on Official Working Hours during the Month of Ramadan, 1435H/2014	Ms. Illiza Sa'aduddin Djamal	Aceh	2014
Mayor of Bengkulu Municipal regulation on Compulsory Muslim Outfit for Men and Women Civil Servants and Students	Mr. Helmi Hasan	Bengkulu	2014
Mayor of Gresik Circular Letter No. 451/181/137.13/2014 calling for employees working at shopping malls to wear Islamic outfit during the month of Ramadan	Mr. Sambari Halim Radianto	East Java	2014
Regent of Agam Regency 2014 Official Notice calling for mandatory Islamic dress code for civil service employees during the month of Ramadan	Mr. Indra Catri	West Sumatra	2014
Mayor of Pagar Alam Instruction on mandatory Islamic dress code for women during the month of Ramadan	Ms. Ida Fitriati	South Sumatra	2014
Regent of Banyuwangi Regency Official Notice Calling for Compulsory Islamic Dress-Code for Women in Civil Service throughout the Month of Ramadan of 2014	Mr. Abdullah Azwar Anas	East Java	2014
Mayor of Malang's Regulation No. 15 of 2014 on the Celebration and Respect of the Holy Month of Ramadhan of the 1435 Islamic Calendar Year. (Concerning compulsory Muslim outfit for women civil servants during the month of Ramadan)	Mr. Mochamad Anton	East Java	2014
Minister of Education and Culture regulation on state school uniform in Indonesia in which schoolgirls have three options: long-skirt with long-sleeve shirt; long-skirt	Mr. Mohammad Nuh	Indonesia	2014

with short-sleeve shirt; and long-skirt, long-sleeve shirt and a jilbab called “busana Muslimah” (Muslim attires).			
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Appendix 2: Human Rights Watch Work on Headscarf Bans and Requirements in Other Countries

Human Rights Watch has reported on laws and policies requiring that women and girls wear headscarves or veils, or banning the wearing of such clothing, in a number of countries over the past two decades, documenting the impact on affected individuals. Human Rights Watch opposes both forced veiling and blanket or disproportionate bans on the wearing of religious dress as discriminatory interference with basic rights and has repeatedly criticized governments, such as Iran, and de facto authorities like the Islamic State (also known as ISIS), for excessive regulation of dress codes. In China, the authorities have long imposed pervasive restrictions on peaceful religious practice nationally and particularly in Xinjiang, the latter bans any form of appearance—including facial hair and niqab—that is interpreted to “whip up religious fanaticism, [and] disseminate religious extremist ideologies.”²²⁹ In 2010, France enacted a national law banning the wearing of full-face veils anywhere in public. In Germany, in 2004, several local governments banned teachers and civil servants from wearing headscarves at work, but those rules were overturned.

Below are examples of laws on religious clothing in several countries.

Chechnya

Starting in 2006, Chechen authorities launched a quasi-official “virtue campaign” for women and girls, which included imposition of an Islamic dress code. Despite the absence of any legal basis for doing so, Chechen authorities prohibited women from working in the public sector and entering governmental buildings if they do not wear hijabs. Education authorities required female students to wear hijabs in schools and universities.

Gradually, throughout 2009 and 2010, Chechen authorities broadened their enforcement of this de facto “hijab rule,” which they justify on traditional and religious grounds, to

²²⁹ Human Rights Watch, “*Eradicating Ideological Viruses*” *China’s Campaign of Repression Against Xinjiang’s Muslims* (New York: Human Rights Watch, 2018), <https://www.hrw.org/report/2018/09/09/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiangs>.

other public places, including entertainment sites, movie theaters, and even outdoor areas. These measures were publicly supported and promoted by the Kremlin-sponsored Chechnya leader Ramzan Kadyrov.

Since the start of the Ramadan fasting month in August 2010, Human Rights Watch has received numerous reports from Chechnya about women being harassed on the streets of Grozny, the Chechen republic's capital, for not covering their hair or wearing clothes deemed too revealing.²³⁰

In a 2011 report, Human Rights Watch documented acts of violence, harassment, and threats by law enforcement officers against women in Chechnya to intimidate them into wearing a headscarf or dressing more “modestly,” in long skirts and sleeves to cover their limbs. The documented attacks by apparent policemen took place from June through September 2010 in the center of Grozny.²³¹

Moscow directed Chechen authorities to look into the attacks. However, no effective investigation has been carried out, and federal authorities took no further steps to put an end to the enforcement of this compulsory Islamic dress code. Moscow also failed to condemn Kadyrov’s statements, in which he openly condoned violence against women and honor killings in the name of traditional values.

In 2018, Human Rights Watch reported that the women’s “virtue campaign,” which had continued unabated, was again being stepped up by Chechen authorities aiming to ensure that women wear hijabs in public and adhere to traditional family roles.²³²

France

In 2010, France enacted a national law banning the wearing of full-face veils anywhere in public. France introduced the ban amid a heated public debate about secularism, women’s rights, and security. The law made it a criminal offense to wear clothing intended to cover

²³⁰ “Russia: Stop Forced Dress Code for Women in Chechnya,” Human Rights Watch news release, August 24, 2010, <https://www.hrw.org/news/2010/08/24/russia-stop-forced-dress-code-women-chechnya>.

²³¹ Human Rights Watch, *“You Dress According to Their Rules” Enforcement of an Islamic Dress Code for Women in Chechnya* (New York: Human Rights Watch, 2011), <https://www.hrw.org/report/2011/03/10/you-dress-according-their-rules/enforcement-islamic-dress-code-women-chechnya#>.

²³² Human Rights Watch, *World Report* (New York: Human Rights Watch) 2018 Report, Russia Chapter, <https://www.hrw.org/world-report/2018/country-chapters/russia>.

the face in public, punishable by a fine of up to €150 (US\$210) and/or a compulsory “citizenship course.” The law also criminalized coercing someone else into covering their face, punishable by up to a year in prison and a €30,000 (\$40,950) fine, or two years in prison and a €60,000 fine if the person coerced is a minor. The law entered into force in April 2011.

In 2014, the European Court of Human Rights (ECHR) upheld the law in the case of *S.A.S v France*. The case was brought by “S.A.S,” a 23-year-old Muslim French citizen, who sometimes wears a “niqab” —a veil covering the face except for the eyes. She contended that France’s ban on full-face veils violated her rights to freedom of religion, expression, and private life. She also contended that the ban was discriminatory on the basis of gender, religion, and ethnic origin.

The European Court had previously upheld restrictions on religious dress affecting the wearing of the headscarf in educational institutions in Turkey and Switzerland. In *S.A.S v France* the court took a position for the first time on blanket bans on full-face veils in public. While the court rejected the French government’s arguments that the ban was necessary to protect security and equality between men and women, it ruled that the ban was justified for the ill-defined aim of “living together,” accepting the French government’s case that a full-face veil prevents interaction between individuals.

A minority of judges, in a separate opinion, rejected the argument that the blanket ban pursued a legitimate aim and said that, in any event, the ban was far-reaching and not necessary in a democratic society. They said the decision “sacrifices concrete individual rights guaranteed by the Convention to abstract principles,” referring to the European Convention on Human Rights.

Human Rights Watch said of the ruling that it is “disturbing that the court acknowledged the specific negative effects of the ban on Muslim women, yet considered that it was justified” and that “[w]omen in France and elsewhere should be free to dress as they please.”²³³

²³³ “France: Face-Veil Ruling Undermines Rights,” Human Rights Watch news release, July 3, 2014, <https://www.hrw.org/news/2014/07/03/france-face-veil-ruling-undermines-rights> (accessed on October 20, 2020).

In October 2018, however, the UN Human Rights Committee ruled in favor of two French women who had been prosecuted, convicted, and fined in 2012 for wearing the niqab, based on the 2010 French law.²³⁴ The committee found, in two rulings, that the general criminal ban on the wearing of the niqab in public introduced by the French law disproportionately harmed the petitioners' right to manifest their religious beliefs, and that France had not adequately explained why it was necessary to prohibit this clothing. The committee also concluded that the ban, rather than protecting fully veiled women, could have the effect of confining them to their homes, impeding their access to public services and marginalizing them.²³⁵

Germany

In April 2004, the German state of Baden-Württemberg enacted a law amending its school act regulating the wearing of religious clothing and symbols by teachers in public schools. The amendment prohibited teachers in public schools from wearing visible items of religious clothing and symbols, except those that exhibited Christian and Western educational and cultural values or traditions. By enacting the law, Baden-Württemberg intended to prohibit public school teachers from wearing the Islamic headscarf, while permitting teachers to continue to wear Christian religious clothing and symbols. Eight German states enacted similar laws soon after, and in two states the ban was extended to civil servants.²³⁶

In 2009, two Muslim women in North Rhine-Westphalia state challenged the 2004 rule, at the Federal Constitutional Court. In March 2015, the Federal Constitutional Court overturned the blanket hijab bans for public schools in four German states. The judges

²³⁴ Office of the United Nations High Commissioner for Human Rights, "France: Banning the niqab violated two Muslim women's freedom of religion - UN experts," October 23, 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23750&LangID=E> (accessed on July 23, 2020).

²³⁵ "French full-body veil ban, violated women's freedom of religion: UN Human Rights Committee," *UN News*, October 23, 2018, <https://news.un.org/en/story/2018/10/1023872> (accessed on July 23, 2020).

²³⁶ Human Rights Watch, *Discrimination in the Name of Neutrality: Headscarf Bans for Teachers and Civil Servants in Germany* (New York: Human Rights Watch, 2009), <https://www.hrw.org/report/2009/02/26/discrimination-name-neutrality/headscarf-bans-teachers-and-civil-servants-germany> (accessed on October 22, 2020).

criticized the fact that the four states had privileged Christianity in their school regulations.²³⁷ The ruling rendered unconstitutional similar bans in other states.²³⁸

Now, Muslim women wearing hijabs are already teaching in Baden-Württemberg. Other states tolerate wearing the hijab among Muslim civil servants, including teachers, and public school students but some states still have restrictions. Lower Saxony allowed teachers to wear hijabs, but a ban can only be considered if “school peace” is jeopardized or “state neutrality” is in danger.²³⁹ Several German states continue to ban teachers and civil servants from wearing niqab at work.²⁴⁰

In January 2020, the Federal Constitutional Court rejected a petition from a trainee lawyer in the state of Hesse, who had objected to the hijab ban in Hessian court houses. The Federal Constitutional Court defended the ban, arguing it is necessary for the sake of “neutrality in ideological and religious term.”²⁴¹

Iran

Human Rights Watch has repeatedly reported on the enforcement of a compulsory dress code on women in Iran,²⁴² which violates their rights to private life, personal autonomy, and freedom of expression, as well as to freedom of religion, thought, and conscience.

Iran has a long history of imposing rules about what women can and cannot wear, violating their fundamental rights. In the 1930s, the then-ruler, Reza Shah, prohibited women from wearing the hijab, and police were ordered to forcibly remove headscarves from women

²³⁷ Dietmar Hipp, “Judgment on headscarf bans: Karlsruhe criticizes preference for Christianity,” *Spiegel*, March 13, 2015 <https://www.spiegel.de/lebenundlernen/schule/analyse-kopftuch-urteil-christentum-unzulaessig-bevorzugt-a-1023460.html> (accessed on January 18, 2021).

²³⁸ Human Rights Watch, *World Report* (New York: Human Rights Watch) 2016, European Union chapter, <https://www.hrw.org/world-report/2016/country-chapters/croatia-estonia-european-union-france-germany-greece-hungary>.

²³⁹ “Muslim Teachers: Headscarf ban - different in every federal state,” *Spiegel*, May 9, 2018, <https://www.spiegel.de/lebenundlernen/job/kopftuchverbot-an-schulen-so-unterschiedlich-sind-die-regeln-fuer-lehrerinnen-a-1206983.html> (accessed on January 19, 2021).

²⁴⁰ “The Islamic veil across Europe,” *BBC News*, May 31, 2018, <https://www.bbc.com/news/world-europe-13038095> (accessed on May 23, 2020).

²⁴¹ Federal Constitutional Court, “Headscarf ban for legal trainees is constitutional,” January 14, 2020, <https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/DE/2020/bvg20-013.html> (accessed on January 18, 2021).

²⁴² See, for example, Human Rights Watch, *World Report* (New York: Human Rights Watch) 2016, 2013, 2011, 2002, 1999, 1994, 1993 editions, Iran chapter.

wearing them. After the Iranian Revolution in 1979, in the early 1980s, Iranian authorities imposed a mandatory dress code requiring all women to wear the hijab, including in workplaces.

Since at least 2008, Iranian young women and men have been protesting against the government's control of women's bodies, especially the government's mandatory dress codes. Young activists resisted the government by using their bodies to make a statement about democracy and human rights.²⁴³

Human Rights Watch reported in 2018 that a number of women had been arrested peacefully protesting against the dress code.²⁴⁴ The most recent wave of protests against compulsory hijab began on December 27, 2017, when photos circulated on social media of a woman who had taken off and held aloft her headscarf on Enghelab (Revolution) Street in Tehran. Since then, dozens of "Girls of Revolution Street" have taken their headscarves off while standing on electric utility boxes across the country and more than 35 women have been arrested by Iranian officials protesting Iran's compulsory hijab.²⁴⁵ Under article 639 of Iran's penal code, "encouraging immorality" can carry a sentence of between 1 to 10 years in prison.²⁴⁶ Iranian authorities have sentenced at least four of these women to prison sentences up to 10 years.²⁴⁷ In March 2019, a prominent Iranian human rights lawyer, who has represented women arrested for removing their headscarves, has been jailed herself. Nasrin Sotoudeh was charged with several national security-related offenses. Her family said she was given 38 years in prison and 148 lashes.²⁴⁸

²⁴³ Pardis Mahdavi, "How the US repeatedly failed to support reform movements in Iran," *The Conversation*, February 5, 2020, <https://theconversation.com/how-the-us-repeatedly-failed-to-support-reform-movements-in-iran-129537> (accessed on May 23, 2020).

²⁴⁴ "Iran: Stop Prosecuting Women Over Dress Code," Human Rights Watch news release, February 24, 2018, <https://www.hrw.org/news/2018/02/24/iran-stop-prosecuting-women-over-dress-code> (accessed on October 22, 2020).

²⁴⁵ Nassim Hatam, "Iranian women threw off the hijab - what happened next?" *BBC News*, May 19, 2018, <https://www.bbc.com/news/world-middle-east-44040236> (accessed May 22, 2020).

²⁴⁶ "Iran: Stop Prosecuting Women Over Dress Code," Human Rights Watch news release, February 24, 2018, <https://www.hrw.org/news/2018/02/24/iran-stop-prosecuting-women-over-dress-code> (accessed May 22, 2020).

²⁴⁷ Maya Oppenheim, "Iranian women defy threat of decade-long jail sentence by taking photos of themselves without headscarves," *Independent*, August 2, 2019, <https://www.independent.co.uk/news/world/middle-east/iran-women-headscarves-photos-jail-sentence-masih-alinejad-a9032901.html> (accessed on January 22, 2021).

²⁴⁸ "Nasrin Sotoudeh: Iran lawyer who defended headscarf protesters jailed," *BBC News*, March 11, 2019, <https://www.bbc.com/news/world-middle-east-47531312> (accessed May 22, 2020).

Saudi Arabia

Saudi Arabia's strict dress code still has many impacts on women, including their ability to work. The Saudi Labor Ministry fines employers and workers who breach guidelines on sex segregation and women's dress code, including mandatory jilbabs. These rules mean, said a Saudi woman, "Companies don't want to hire women. It is too much of a hassle."²⁴⁹

Abayas and jilbabs are a long tradition in the Arab Peninsula but it drastically changed after the Iranian revolution and the seize of the Grand Mosque in Mecca, both taking place in 1979. Juhayman al-Otaybi led his armed militants to take over Mosque and to call on Muslims to topple the ruling House of Saud. They controlled the area for two weeks, prompting King Khalid to ask France and Pakistani commandos to storm the area, ending the siege with 250 dead.

This was a watershed moment: 1979. It is not a coincidence that Saudi Arabia and Iran were the most important Sunni and Shia states in the Islamic world. In 1979, Iran demanded that the control of the two Islamic holy cities, Mecca and Medina, should be organized internationally within the Islamic world. Saudi rejected that idea. Both Saudi Arabia and Iran began to out-Islam one against another.²⁵⁰

Domestically, Juhayman may have died but his austere vision lives on. The House of Saud began to let ultra-conservative Islamic forces to gain control over Saudi society. In the 1980s, a strict interpretation of Islamic Sharia began in public Saudi life. Ultra-conservative clerics considered the black abaya is the only way by which the Sharia obligation could be fulfilled—no other color. A single form of the loose black abaya became common attire for Saudi women until now.²⁵¹

In the Middle East, many countries have discriminatory regulations against girls and women, but Saudi Arabia has the most draconian in the extent of its laws and regulations,

²⁴⁹ "The Saudi Dress Code Debacle," Human Rights Watch news release, July 19, 2017, <https://www.hrw.org/news/2017/07/19/saudi-dress-code-debacle>.

²⁵⁰ Terence Ward, *The Wahhabi Code: How the Saudis Spread Extremism Globally* (New York: Arcade Publishing, 2018).

²⁵¹ "Abayas: Were they originally black or colored?" *Sekkamag*, October 1, 2017, <https://sekkamag.com/2017/10/01/abayas-were-they-originally-black-or-colored/> (accessed May 22, 2020).

as well as the authorities' efforts to apply them, including jilbab regulations as well as male guardian system.²⁵²

Areas of Syria under Islamic State rule

In 2014, Human Rights Watch reported that between September 2012 and November 2013, members of Jabhat al-Nusra and the Islamic State (ISIS) required that women follow a strict dress code that mandated the *abaya* and *jilbab* and prohibited jeans, close-fitting clothing, and makeup. Members of these groups forbade women from being in public without a male family member in Idlib city, Ras al-Ayn, Tel Abyad, and Tel Aran. Women and girls who did not abide by the restrictions were threatened with punishment and, in some cases, blocked from using public transportation, accessing education, and buying food. The regulations imposed on women by Jabhat al-Nusra and ISIS had a far-reaching impact on women's and girls' daily lives, affecting their ability to obtain education, provide for their families, and even procure necessities crucial to survival.²⁵³

Syria does not have a state-mandated religion and its constitution protects freedom of religion, but requires that the president be Muslim, stipulating that Islamic jurisprudence is a principal source of legislation.²⁵⁴ While the Syrian constitution guarantees gender equality, the Syrian penal code and personal status laws, which govern matters such as marriage, divorce, and inheritance, contain provisions that are discriminatory to women and girls. De facto authorities are responsible for respecting fundamental human rights in areas under their control and holding those who abuse them to account.

Women and girls faced discrimination and severe restrictions, including on their dress code, in ISIS-held areas. The UN Independent International Commission of Inquiry on the Syrian Arab Republic reported, in September 2018, that members of Hay'at Tahrir al-Sham have been:

²⁵² "Saudi Arabia: 10 Reasons Why Women Flee," Human Rights Watch news release, January 30, 2019, <https://www.hrw.org/news/2019/01/30/saudi-arabia-10-reasons-why-women-flee> (accessed on October 22, 2020).

²⁵³ "Syria: Extremists Restricting Women's Rights," Human Rights Watch news release, January 13, 2014, <https://www.hrw.org/news/2014/01/13/syria-extremists-restricting-womens-rights> (accessed on October 22, 2020).

²⁵⁴ US State Department's Bureau of Democracy, Human Rights, And Labor, "July-December 2010 International Religious Freedom Report," September 13, 2011, https://www.state.gov/j/drl/rls/irf/2010_5/168276.htm (accessed January 31, 2019).

...issuing decrees demanding, for example, that women and girls over 9 years of age wear a black or dark brown *jalabiya*, a wide-cut, loose-fitting garment, when venturing outdoors. They may not wear dresses with bright colors, must cover their hair, and cannot wear makeup. Hay'at Tahrir al-Sham has been issuing similar decrees in schools in Idlib, emphasizing that female students who do not abide by the dress code will be banned from attending classes.²⁵⁵

Turkey

A 2004 Human Rights Watch report on Turkey analyzed the state-imposed ban at the time on the wearing of the hijab in Turkish universities. Turkey's restrictions on wearing overtly religious-oriented attire were rooted in the founding of the modern, secular Turkish state in the 1920s, when the republic's founding father, Mustafa Kemal Atatürk, introduced a series of clothing regulations designed to keep Islamic symbolism out of the civil service.

The situation changed gradually after the election of the conservative religious Justice and Development Party (AKP) in November 2002. In October 2013, with the introduction of a law lifting the ban on women wearing a headscarf in civil service jobs, Prime Minister Recep Tayyip Erdoğan made a speech in parliament saying, “A dark time eventually comes to an end. Headscarf-wearing women are full members of the republic, as well as those who do not wear it.”²⁵⁶

Turkish women who want to wear the hijab to civil service jobs and government offices can currently do so. The new rules were put into place to address concerns that the restrictions on the hijab were discriminatory and were discouraging women from conservative backgrounds from seeking government jobs or higher education.²⁵⁷ By 2016, the ban had also been lifted for judges, prosecutors, police and, in 2017, for military personnel.

²⁵⁵ UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/39/65, August 9, 2018, Human Rights Council, thirty-ninth session, para. 62.

²⁵⁶ Roff Smith, “Why Turkey Lifted Its Ban on the Islamic Headscarf,” National Geographic, October 12, 2013, <https://www.nationalgeographic.com/news/2013/10/131011-hijab-ban-turkey-islamic-headscarf-ataturk/> (accessed May 22, 2020).

²⁵⁷ Ibid.

Xinjiang (in China)

In May 2014, the Chinese government's "Strike Hard Campaign against Violent Terrorism" began in Xinjiang. The authorities punish Xinjiang residents for expressing identity other than those associated with the dominant Han Chinese culture and consider many of their Islamic practices to be problematic and extremist.

In late 2014, the campaign began to ban niqabs and gamis (long dress) for all Muslim women. It also bans the jilbab for girls, young, and middle-aged women. Only older women in Xinjiang could wear their jilbabs.²⁵⁸

In March 2015, a Kashgar court sentenced a group of Muslim women for wearing gamis and niqabs and men for wearing big beards, according to Radio Free Asia. A Muslim husband and wife were respectively sentenced to six and two years in prison for wearing a big beard and for wearing a niqab and burqa, respectively.²⁵⁹

In 2016, the Chinese authorities stepped up mass arbitrary detention, including in pretrial detention centers and prisons, both of which are formal facilities, and in political education camps, which have no basis under Chinese law.

Credible estimates indicate that, at its height, one million Turkic Muslims are being held in camps, where they are being forced to learn Mandarin Chinese, sing praises of the Chinese Communist Party, and memorize rules applicable primarily to Turkic Muslims. Those who resist or are deemed to have failed to "learn" are punished. The detainees in political education camps are held without any due process rights—neither charged nor put on trial—and have no access to lawyers and family. They are held for having links with foreign countries, particularly those on an official list of "26 sensitive countries" including Indonesia, and for using foreign communication tools such as WhatsApp, as well as for peacefully expressing their identity and religion, none of which constitute crimes.

²⁵⁸ Human Rights Watch, *Eradicating Ideological Viruses: China's Campaign of Repression Against Xinjiang's Muslims* (New York: Human Rights Watch, 2018), <https://www.hrw.org/report/2018/09/09/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiangs> (accessed on October 22, 2020).

²⁵⁹ "Is it illegal to wear national clothes? Xinjiang couple sentenced for wearing burqa," *Radio Free Asia*, March 29, 2015, <https://www.rfa.org/mandarin/yataibaodao/shaoshuminzu/xl1-03292015112150.html> (accessed on January 31, 2020).

The United Nations Committee on the Elimination of Racial Discrimination reviewed the situation in China in August 2018 and described Xinjiang as a “no rights zone.” The Chinese delegation disputed this portrayal of the region, as well as its characterization of political education camps, calling them “vocational education centers.”²⁶⁰

²⁶⁰ “China: Massive Crackdown in Muslim Region,” Human Rights Watch news release, September 9, 2018, <https://www.hrw.org/news/2018/09/09/china-massive-crackdown-muslim-region> (accessed on October 22, 2020).

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.

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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 Racquel 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?



“I Wanted to Run Away”

Abusive Dress Codes for Women and Girls in Indonesia

Since 2001, local governments in Muslim-majority Indonesia have adopted more than 60 dress codes requiring women and girls to wear Islamic attire in state schools and government offices. In 2014, the Ministry of Education and Culture issued a national regulation on school uniforms that was widely interpreted to require schoolgirls to wear a *jilbab*, a cloth covering their head, neck, and chest. It is usually combined with a long skirt and a long sleeve shirt. Most of Indonesia’s almost 300,000 state schools require girls to wear the jilbab beginning in primary school.

“*I Wanted to Run Away*” focuses on rules requiring women and girls to wear the jilbab in schools, within the civil service, and at government offices. It also documents cases of girls and women who suffered body dysmorphic disorder, the obsessive focus on a perceived flaw in appearance, after being bullied into wearing a jilbab. These regulations are an assault on basic rights to freedom of religion, expression, and privacy, as well as the ability of women to obtain an education, a livelihood, and social benefits.

In February 2021, the Indonesian government issued a decree that bans mandatory jilbab in state schools. The report urges the government to fully enforce the decree and adopt legislation repealing regulations that discriminate on the basis of gender.

(above) Elementary school students wearing jilbabs along with face masks as a precaution against the coronavirus, in Jakarta, Indonesia, August 25, 2020.
© 2020 AP Photo/Achmad Ibrahim

(front cover) A state primary school in Padang, West Sumatra, Indonesia, January 2021.
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