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# “These Political Games Ruin Our Lives”

Indonesia's LGBT Community Under Threat







# **“These Political Games Ruin Our Lives”**

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# “These Political Games Ruin Our Lives”

## Indonesia’s LGBT Community Under Threat

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## Summary

The rights of Indonesian sexual and gender minorities have come under unprecedented attack in 2016. While lesbian, gay, bisexual, and transgender (LGBT) civil society groups had endured sporadic hateful rhetoric and violent attacks over the preceding three decades, they had been able to gain a foothold and increasing recognition as part of Indonesia's pluralistic society. And while no national laws specifically protected them against discrimination, the central government had never criminalized same-sex behavior.

Beginning in January 2016, however, a series of anti-LGBT public comments by government officials grew into a cascade of threats and vitriol against LGBT Indonesians by state commissions, militant Islamists, and mainstream religious organizations. That outpouring of intolerance has resulted in proposals of laws which pose a serious long-term threat to the rights and safety of LGBT Indonesians.

On January 24, 2016 the Minister of Higher Education Muhammad Nasir said he wanted to ban LGBT student organizations from university campuses. He then backtracked on Twitter—but it was too little, too late. Within weeks, anti-LGBT statements ranging from the absurd to the apocalyptic echoed through Indonesia's media: at a maternal health seminar, a mayor warned young mothers off instant noodles—their time and attention, he said, should be given instead to nutritious cooking and teaching their children how not to be gay. The minister of defense labeled LGBT rights activism a proxy war on the nation led by outsiders, more dangerous than a nuclear bomb: "It's dangerous as we can't see who our foes are, but out of the blue everyone is brainwashed—now the [LGBT] community is demanding more freedom, it really is a threat.... In a nuclear war, if a bomb is dropped over Jakarta, Semarang will not be affected—but in a proxy war, everything we know could disappear in an instant—it's dangerous."

Mainstream mass religious groups and non-governmental organizations joined the anti-LGBT chorus. There were decrees against "gay propaganda" and calls for censorship. Psychiatrists proclaimed same-sex sexual orientation and transgender identities as "mental illnesses." The country's largest Muslim organization called for criminalization of LGBT behaviors and activism, and forced "rehabilitation" for LGBT people. Within three

months the cacophony had died down, and the moral panic subsided, but the repercussions continue to be felt by LGBT people in Indonesia.

This report documents the rise in anti-LGBT rhetoric in early 2016 as well as threats and violent attacks on LGBT NGOs, activists, and individuals, primarily by militant Islamists, in the period from January to April 2016. In some cases the threats and violence occurred in the presence, and with the tacit consent, of government officials or security forces. LGBT people told Human Rights Watch that the increased anti-LGBT rhetoric has also fueled increased hostility from family members and neighbors.

Anti-LGBT sentiment is not unknown in Indonesia. In past decades, militant Islamists have attacked LGBT public activities, in several instances breaking-up or otherwise forcing the cancellation of scheduled events. Activists say they cannot trust police to protect them when they face such orchestrated intimidation or violence. The situation in Aceh province has been particularly bad. Aceh, the only Indonesian region allowed to implement full Sharia (Islamic law), prescribes 100 public lashes for people caught committing same-sex sexual acts; Acehese officials have openly stoked anti-LGBT sentiment, calling LGBT people a “threat” that is “encroaching” on the province.

Across the country prior to January 2016, many Indonesian sexual and gender minorities lived with a mix of tolerance and prejudice. Discretion purchased safety: many LGBT people chose to live without publicly disclosing their sexual orientation or gender identity as a means to protect them from discrimination or violence. But in early 2016, the combination of government officials, militant Islamists, and mass religious groups stoking anti-LGBT intolerance led to immediate deterioration of the human rights of LGBT individuals. What began as public condemnation quickly grew into calls for criminalization and “cures,” laying bare the depth and breadth of officials’ individual prejudices.

While activists have remained steadfastly committed to protecting their constituents and continuing their work, the government has failed to uphold its international human rights commitments. Instead, government officials have fanned the flames of hatred and intolerance, and institutionalized anti-LGBT prejudice through decrees and legislative proposals.



The LGBT community is not the only minority population to have come under attack in Indonesia in recent years. As documented by Indonesian rights groups, Human Rights Watch, and others, religious minority groups have experienced a steady uptick in harassment, intimidation, and violence at the hands of militant Islamists. The government's failure to respond decisively—in some cases actively facilitating harassment and intimidation or issuing discriminatory regulations and decrees—has left minority religious groups particularly vulnerable. A comparable failure in the face of the recent rise in anti-LGBT threats could have deadly consequences for LGBT Indonesians.

The path forward will require leadership from the Indonesian government. Instead of slurring LGBT people, government officials should make and enforce public pledges to protect all Indonesians from violence and discrimination. Government commission decrees based on false information should be rescinded. And authorities should commit to protecting gatherings of LGBT human rights activists, including by holding security forces accountable when they abdicate those responsibilities in the face of threats from militant Islamists.

## Methodology

Human Rights Watch conducted research for this report between September 2015 and June 2016, including 70 in-depth interviews with sexual and gender minorities and human rights activists in Jakarta, Yogyakarta, cities in South Sulawesi, cities in Sumatra, and cities in Aceh. This included interviews with 17 waria (or transgender women), eight transgender men, 13 lesbians, 13 gay men, and one bisexual man.

We conducted interviews in safe locations, sometimes far away from the interviewee's home neighborhood or city, and the names of nearly all LGBT individuals in this report are pseudonyms. In some cases, we have withheld the location of interviews and other potentially identifying characteristics of interviewees for security purposes. Interviews were conducted in English and Bahasa Indonesia, with simultaneous English interpretation. Interviewees were informed of how the information gathered would be used, and informed that they could decline the interview or terminate it at any point. Reimbursement ranging from US\$1-\$5 was paid for transportation costs, depending on the distance the individual had traveled. No other payments were made to interviewees.

Information presented in this report on specific violent attacks on gatherings is based on multiple interviews with participants and witnesses to the specific incident or, as indicated, on secondary sources that we cross-checked with activists and witnesses.

During the height of the 2016 "LGBT crisis," Human Rights Watch engaged Indonesian government officials in a series of meetings and letters, as described at relevant points in the report (all of the letters are annexed to this report).

# The Limits of LGBT Tolerance in Indonesia

Sexual and gender minorities in Indonesia, including *waria*<sup>1</sup> and people who identify as lesbian, gay, bisexual, and transgender, have lived in a climate of relative tolerance, based on discretion. As anthropologist Tom Boellstorff described in his 2007 book on queer life in Indonesia: “The ‘tolerance’ of homosexuality exists only because Indonesians keep these practices secret and do not publicly proclaim homosexual identities.”<sup>2</sup>

One of the earliest groups to form was Lambda Indonesia, launched in March 1982. This was followed by GAYa NUSANTARA, founded in August 1987 in Surabaya by a group of activists including the academic Dede Oetomo. In the 1990s, Oetomo wrote that “Islamic fundamentalist groups are not aggressive towards us,” offering as an example the following anecdote: “In one instance in Bandung a guy who made remarks like [‘you belong in hell’] was told to sit down by other members of the audience. In Southeast Asian culture it is considered more impolite to make such comments, than for somebody like me, a gay man, to be speaking in a public function.”<sup>3</sup>

But as the movement grew, some feared that an enhanced public profile could also increase the risk of attack. Even during relatively stable periods, the Indonesian government tempered its engagement with LGBT civil society groups. This often occurred as the result of pressure from religious organizations. Oetomo wrote in 1996:

Initially at the beginning of the AIDS epidemic, the Indonesian Ministry of Health was quite supportive.... But they quickly regretted what they had done because they were blasted by...Muslim religious leaders, by some of the Christian leaders and by the middle classes. Increasingly we lost the support of the Indonesian Ministry of Health. It's got to the point where the

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<sup>1</sup> “Waria” is an Indonesian term for people who are assigned “male” sex at birth and then develop a feminine gender identity. The word is a combination of “wanita” or woman and “pria” or man, and is sometimes translated into English as “transgender woman.” There are debates about the definition of waria, some of which are discussed in Irfan Kortschak, “Defining Waria,” *Inside Indonesia*, October-December 2007, <http://www.insideindonesia.org/defining-waria> (accessed July 8, 2016).

<sup>2</sup> Tom Boellstorff, *A Coincidence of Desires: Anthropology, Queer Studies, Indonesia*, Duke University Press, 2007.

<sup>3</sup> Dede Oetomo, “Gay Identities,” *Inside Indonesia*, March 1996, <http://www.insideindonesia.org/gay-identities-2> (Accessed July 12, 2016).

Indonesian National AIDS Commission has informally discouraged funding agencies from funding gay-related projects.<sup>4</sup>

Spates of politicized homophobia included attacks on *waria* gatherings and LGBT events by hardliner Islamist groups who framed LGBT people and their human rights activism as a threat to Islam, Indonesian nationhood, or both.<sup>5</sup> Despite these attacks, Indonesian civil society groups working with LGBT populations have flourished in recent years; a 2014 United Nations Development Programme (UNDP) report said that there were 120 NGOs across the country working with sexual and gender minority populations.<sup>6</sup>

As one observer argued, the very idea of a “movement” drew the ire of militant Islamists and their government enablers, who suspected that “[the] LGBT movement might appear as a fight against discrimination, but something may be hidden underneath: a grand design that threatens national unity.”<sup>7</sup>

## Increased Visibility Has Meant Increased Risk

For Oetomo and others, visibility has both gained LGBT human rights defenders support among progressive movements in Indonesia with whom they have allied, and exacerbated the risks they face. Most of the well-documented threats and outright acts of violence against LGBT populations in recent decades have been carried out by religious fundamentalist groups who target gatherings of LGBT people and activists<sup>8</sup>; these groups have not historically attacked individuals based on real or perceived sexual orientation or gender identity.<sup>9</sup> In other words, suspicion that LGBT groups will organize and gain public

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<sup>4</sup> Oetomo, “Gay Identities,” *Inside Indonesia*.

<sup>5</sup> Boellstorff, *A Coincidence of Desires: Anthropology, Queer Studies, Indonesia*.

<sup>6</sup> UNDP, “Being LGBT in Asia: Indonesia Country Report,” 2014, [http://www.asia-pacific.undp.org/content/dam/rbap/docs/Research%20&%20Publications/hiv\\_aids/rbap-hhd-2014-blia-indonesia-country-report-english.pdf](http://www.asia-pacific.undp.org/content/dam/rbap/docs/Research%20&%20Publications/hiv_aids/rbap-hhd-2014-blia-indonesia-country-report-english.pdf)

<sup>7</sup> Intan Paramaditha, “The LGBT Debate and the Fear of Gerakan,” *Jakarta Post*, February 27, 2016, <http://www.thejakartapost.com/news/2016/02/27/the-lgbt-debate-and-fear-gerakan.html>

<sup>8</sup> For example, in 1999 when Oetomo was part of a group that organized a national LGBT networking meeting in Solo, Central Java, he received a direct death threat. “Word got to the conservative Islamist groups who do not want their city ‘to be made a second Sodom,’” said Oetomo. “While we had to cancel the meeting, we received expressions of support from many pro-democracy groups.” Boellstorff, *A Coincidence of Desires: Anthropology, Queer Studies, Indonesia*, p. 178.

<sup>9</sup> Boellstorff writes: “Acts of violence against gay men have been rare. When, for instance, an Indonesian man encounters another man expressing sexual interest in him—even in public—the man will typically either politely refuse or agree to the sexual encounter and keep quiet about it afterward.” Boellstorff, *A Coincidence of Desires: Anthropology, Queer Studies, Indonesia*, p. 175. While attacks on gatherings have garnered media attention, *waria* we spoke with reported many instances of police harassment that have gone undocumented to date. Human Rights Watch interviewed three *waria* in Yogyakarta, for

influence has been a stronger trigger for attacks than bias against individuals perceived to be sexual and gender minorities. A *waria* in South Sulawesi told Human Rights Watch: “The fundamentalists never attack individuals, only gatherings—they are not panicked about us as people because we have been around forever. They are panicked about ideas they associate with us—like same-sex marriage.”<sup>10</sup>

In perhaps the most emblematic example of a state protection failure at a gathering, the 2010 International Lesbian and Gay Association (ILGA) Asian regional congress in Surabaya was dispersed by police under pressure from militant Islamist groups. After police told reporters that they refused to issue a permit for the event “due to security reasons” and because “many parties will stage protests,”<sup>11</sup> some politicians, representatives of the National Human Rights Commission and Indonesian NGOs issued statements of support for the gathering.<sup>12</sup> Religious leaders responded by announcing they would escort foreign conference participants to the airport themselves.<sup>13</sup>

ILGA and GAYa NUSANTARA staff decided to instead instruct participants to attend smaller gatherings at a different hotel. Within hours of the small meetings beginning, surveillance teams of university students reported that up to eight Islamic organizations—including some with a history of vigilante violence—were planning to visit the venue. ILGA cancelled the workshops and evacuated participants. The Islamic Defenders Front (FPI) arrived at the hotel while simultaneously raiding GAYa NUSANTARA’s offices—including by spray painting on the wall the message that “Gays and lesbians are moral terrorists.” To end the demonstrations at the hotel, GAYa NUSANTARA called Banser, the Nahdlatul Ulama’s youth security force, and enlisted them to come to the hotel and disperse the demonstration (see text box below, “The NU and political power”).<sup>14</sup>

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example, who said they had been arrested by municipal police without cause and detained at rehabilitation centers. Officials forcibly cut the hair of one of them; the other two said they received threats that their hair would be cut. Human Rights Watch interviews, Yogyakarta, March 4, 2016.

<sup>10</sup> Human Rights Watch interview with Nawa N., South Sulawesi, March 7, 2016.

<sup>11</sup> Amir Tejo, “Surabaya Police Withhold Permit for Gay Conference,” *Jakarta Globe*, October 14, 2015, <http://jakartaglobe.beritasatu.com/archive/little-light-administrative-duty-sri-lankas-new-hangmen/> (accessed July 13, 2016).

<sup>12</sup> Jamison Liang, “Homophobia on the Rise,” *Inside Indonesia*, April-June 2010, <http://www.insideindonesia.org/homophobia-on-the-rise> (accessed July 13, 2016).

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

That same year, Islamist groups threatened to set fire to a Jakarta venue for the Q! Film Festival, a LGBT film series.<sup>15</sup> In another high profile incident in May 2012, the FPI interrupted and threatened an appearance in Jakarta for openly-lesbian Muslim Canadian author Irshad Manji. In Yogyakarta that same month, her book launch ended after another Islamist radical group, Majelis Mujahidin Indonesia (Indonesian Mujahedeen Council), launched an attack that left a number of audience members injured.<sup>16</sup>

Each of these incidents, while publicly claimed by hardliners as victories for religion and nation, involved the tacit endorsement—through actions and omissions—of Indonesian authorities. In cases when activists and legal aid lawyers pressed authorities to investigate violent incidents, often only lackluster investigations were carried out and, to our knowledge, no one was identified and held to account for any of the incidents.

The same is true of more recent threats and attacks. For example, activists explained that in Yogyakarta a 2014 gathering to commemorate the Transgender Day of Remembrance was attacked by assailants from an unidentified religious extremist group; four participants were injured, two of whom had to seek treatment at a hospital. The Yogyakarta Legal Aid Institute (LBH Yogyakarta) pursued the complaint with regional police, but struggled to get a response or any information that an active investigation was underway. Finally they persuaded the police to approach banks near where the incident took place so they could review their security camera footage and try to identify the assailants, “but they said [the footage] had been deleted, and therefore we didn’t have enough evidence,” a lawyer who assisted the victims told Human Rights Watch.<sup>17</sup> No further progress was made in the investigation and no one was held to account for the assaults.

In a 2016 report titled “State efforts Guaranteeing the Rights of Minorities in Indonesia (A Preliminary Report),” the Indonesian National Human Rights Commission remarked that

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<sup>15</sup> Maimunah, “Indonesia’s Q!Film Festival,” *Inside Indonesia*, July-Sept 2008, <http://www.insideindonesia.org/indonesia-s-q-film-festival-2> (accessed July 14, 2016); Amanda Mccuaig, “Violent Protest of Q! Jakarta’s Gay Film Festival,” *ArtThreat*, October 2, 2010, <http://artthreat.net/2010/10/q-film-festival-jakarta-protest/> (accessed July 14, 2016).

<sup>16</sup> Rikky Muchammad Fajar and Alexandra Crosb, “Online networking and minority rights,” *Inside Indonesia*, October-December 2012, <http://www.insideindonesia.org/online-networking-and-minority-rights-2> (accessed July 14, 2016); Andrew McCarthy, “Muslims in Moderate, Tolerant Indonesia Silence Irshad Manji, Demand Her Deportation,” *National Review*, May 9, 2012, <http://www.nationalreview.com/corner/299498/muslims-moderate-tolerant-indonesia-silence-irshad-manji-demand-her-deportation-andrew>; Anthony Kuhn, “Hard-Line Muslims Test Indonesia’s Tolerance,” *NPR*, May 24, 2012, <http://www.npr.org/2012/05/24/153417862/hard-line-muslims-confront-indonesias-christians> (accessed July 14, 2016).

<sup>17</sup> Human Rights Watch interview with Kartika R., Yogyakarta, March 5, 2016.



LGBT people are “often the target of discrimination and persecution.” Referencing the 2010 attack on the ILGA-Asia conference in Surabaya as an example, the NHRC said that “In Indonesia, the state is likely to be involved as perpetrators or commit active infringements” of the human rights of LGBT people.<sup>18</sup>

## Discriminatory Local Laws

Indonesia has never criminalized same-sex sexual behavior in national laws.<sup>19</sup> However since 1999, Indonesia has had a de-centralized legal system and while the central government retains power over religious affairs, local governments can enact and enforce laws on a range of issues. In some regions de-centralization has resulted in some local officials passing by-laws that target and impinge on the fundamental rights of LGBT people. Research by Arus Pelangi, the national federation of LGBT organizations, reveals a number of local ordinances—passed by provinces, districts, and municipalities in recent years—that classify homosexual behavior as “immoral behavior” and prescribe punishments for committing such offences.<sup>20</sup>

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<sup>18</sup> Komnas HAM, “Upaya Negara Menjamin Hak-Hak Kelompok Minoritas di Indonesia (Sebuah Laporan Awal),” <https://gayanusantara.or.id/portfolio/indonesia-dan-hak-minoritas/> (accessed July 14, 2016).

<sup>19</sup> Boellstorff describes a period in 1938 during which the Dutch colonial regime attempted to rid Indonesia of “pederasts,” but targeted expatriates only. See: Tom Boellstorff, “Against State Straightism: Five Principles for Including LGBT Indonesians,” *E-International Relations*, March 21, 2016, <http://www.e-ir.info/2016/03/21/against-state-straightism-five-principles-for-including-lgbt-indonesians/> (accessed July 14, 2016). Some national laws are inherently discriminatory and impinge on the rights of LGBT people. The national law on pornography refers to both male and female same-sex sex as “deviant behavior.” See: Undang-Undang Nomor 44 Tahun 2008, Pornografi, article 4, paragraph 1-A, <http://www.hukumonline.com/pusatdata/detail/28607/nprt/1011/uu-no-44-tahun-2008-pornografi>; A 2012 regulation issued by the Ministry of Social Affairs lists homosexuality and “transgender male to female” as social problems that can arise among groups of people as the result of marginalization. See: Regulation of the Minister of Social No. 08 2012 about Guidance of Documentation and Data Maintenance on the People with Social Welfare Problem, Potential and Social Welfare Resources, <http://siks.kemosos.go.id/app/manual/NSPK-PMKS-PSKS-PERMENSOS-No-08-TH-2012.pdf>; And a 2014 regulation about reproductive health said a healthy sexual life is one “free from sexual orientation dysfunction or deviance.” See: Government Regulation No. 61/2014 about Reproduction Health article 26 (2b).

<sup>20</sup> These include South Sumatra: Provincial Ordinance on the Eradication of Immoral Behavior (No. 13/2002), which classifies homosexual acts and anal sex performed by men as “immoral behavior”; Banjar, South Kalimantan: District Ordinance on Social Order (No. 10/2007), which mentions “abnormal” homosexual and heterosexual acts in its definition of “prostitution” and prohibits the formation of organizations “leading to immoral acts” that are “unacceptable to the culture of [local] society” (the latter explained with examples of lesbian and gay organizations “and the like”); Tasikmalaya, West Java: City Ordinance on the Development of a Value System in Social Life Based on the Teachings of Islam and Local Social Norms (No. 12/2009), which prohibits adultery and prostitution, both heterosexual and homosexual; Batam: Local Regulation Batam City About Social Conduct, No. 6/2002, Chapter III, which provides that “All persons and agencies are forbidden to create or convene an association that can lead to immoral action and in accordance to norms cannot be accepted by social culture. Explanation: associations referred to in this provision include associations/organizations for lesbians, homosexuals (gays), and the like.”; Padang Panjang, West Sumatra: City Ordinance on the Prevention, Eradication and Prosecution of Social Ills (No. 9/2010), which explicitly mentions “homosexual and lesbian” relationships and later prohibits such relationships and prohibits persons from “offering themselves for homosexual and lesbian relationships either with or without payment.” Some of these provisions are discussed in: UNDP, “Being LGBT in Asia: Indonesia Country Report,” March

Local laws that discriminate against people on the basis of sexual orientation or gender identity should be seen in the context of a broader pattern of Sharia-inspired local ordinances in recent years. While “Islamicization” is often seen as the cause, with conservative religious groups seen as leading the push for such ordinances, a number of researchers suggest that opportunistic local political elites, seeking to gain power from embracing so-called “conservative values,” have often played a key role. As Indonesia researcher Elizabeth Pisani explained: “[The by-laws] are passed mostly for reasons of political self-interest. Either they bring in cash, or they create patronage opportunities, or politicians think that they are popular, and that they will help in re-election campaigns.”<sup>21</sup>

Political scientist Michael Buehler’s research has demonstrated that Sharia by-laws in Indonesia have allowed politicians to accumulate wealth and political power. Buehler writes: “it is mainly politicians affiliated with secular parties such as Golkar and PDI-P, who usually had long careers in the bureaucracy, the military, or the police, who draft, adopt and implement these sharia regulations.”<sup>22</sup> According to Buehler, Sharia by-laws are an “expression of the change” in political power dynamics in post-1998 Indonesia, including the impact of direct elections for mayors, district chiefs, and other local officials previously appointed by Jakarta and of the increasing percentage of tax revenues returned to localities. In other words, as the government officially decentralized, so too did patronage politics and political corruption, with more opportunities for local officials to dip into government revenue flows or extract side payments from residents. And because local political parties were weak following decades of brutal dictatorship, local political elites in many places saw an opportunity in supporting the adoption of religious ordinances, both to be seen as pillars of morality, helping them win local elections, and to garner financial support.<sup>23</sup>

LGBT activists in regions with Sharia by-laws told Human Rights Watch that the provisions—even if they did not specifically mention homosexuality—empowered religious

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11, 2013, [http://www.asia-pacific.undp.org/content/dam/rbap/docs/Research%20&%20Publications/hiv\\_aids/rbap-hhd-2014-blia-indonesia-country-report-english.pdf](http://www.asia-pacific.undp.org/content/dam/rbap/docs/Research%20&%20Publications/hiv_aids/rbap-hhd-2014-blia-indonesia-country-report-english.pdf) (accessed July 12, 2016).

<sup>21</sup> Elizabeth Pisani, “Why are Indonesian politicians such slow learners?” *Indonesia, Etc.*, January 28, 2016, <http://indonesiaetc.com/why-are-indonesian-politicians-such-slow-learners/> (accessed July 13, 2016).

<sup>22</sup> Michael Buehler, “Whodunit? Politicians Affiliated with Secular Parties implement most Sharia regulations,” *Tempo*, September 6, 2011, <http://michaelbuehler.asia/wp-content/uploads/2012/06/BuehlerTempoEngl.pdf> (accessed July 13, 2016).

<sup>23</sup> Michael Buehler, “The rise of shari’a by-laws in Indonesian districts An indication for changing patterns of power accumulation and political corruption,” *South East Asia Research*, Volume 16, No. 2 (2008), <http://michaelbuehler.asia/wp-content/uploads/2012/06/BuehlerSharia2008.pdf> (accessed July 13, 2016).

extremist groups in the area, giving them more political power and the sense that they could attack minorities with impunity. A 32-year-old waria in South Sulawesi told Human Rights Watch: “The most terrifying part is the Islamist groups in Makassar.... Even if we want to hold a small gathering of waria for HIV education or something, we know the FPI will show up and harass us.”<sup>24</sup> Another waria who works at an NGO in South Sulawesi told Human Rights Watch that space for public gatherings has come under threat in the past year: “It has become that it is no longer possible to hold events in Makassar. If we wanted to do that, we would need the permission of the FPI.”<sup>25</sup>

In 2016, the Minister of Home Affairs, Tjahjo Kumolo, offered some false hope that the administration was going to repeal those local ordinances that violated the constitution.<sup>26</sup> However, having noted that many local laws around the country were not conducive to development he later clarified that “[Bylaw cancellation] is about investments. We do not interfere with regulations based on Islamic Sharia.”<sup>27</sup> So while asserting the government would cancel 3,143 “problematic regional regulations” that act as disincentives to investment, the government would overlook other discriminatory Sharia local regulations.

## Indonesia’s Rising Intolerance

The strong reaction against LGBT people as a perceived threat to the nation may have come as a surprise but did not take place in a vacuum. Specific to the issue of homosexuality, Boellstorff, in 2007, argued that, “With the nation under perceived threats of disintegration, attempts by non-normative men to access civil society can appear to

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<sup>24</sup> Human Rights Watch interview with Lati N., South Sulawesi, March 7, 2016.

<sup>25</sup> Human Rights Watch interview with Nawa N., South Sulawesi, March 7, 2016.

<sup>26</sup> Devi Asmanari, “Repealing Discriminative Regional Bylaws an Urgent Priority in Indonesia,” *Magdalene*, April 22, 2016, <http://magdalene.co/news-771-repealing-discriminative-regional-bylaws-an-urgent-priority-in-indonesia.html> (accessed July 14, 2016); *The Sun Times*, “Indonesia to revoke 3,200 bylaws,” May 22, 2016, <http://www.thesundaily.my/news/1810525> (accessed July 14, 2016). The website of Indonesia’s Cabinet Secretariat indicates that the Ministry of Interior was revoking 3,143 bylaws in four steps as of April 2016, and quotes Interior Minister Tjahjo Kumolo as saying his ministry is reviewing 42,000 local bylaws in all. Kumolo is also quoted saying it will take years to review them, but does indicate the criteria by which they are being reviewed. See: <http://setkab.go.id/>

<sup>27</sup> Phelim Kine (Human Rights Watch), “Dispatches: Indonesia’s Blind Eye to Abusive Sharia Bylaws,” June 21, 2016, <https://www.hrw.org/news/2016/06/21/dispatches-indonesias-blind-eye-abusive-sharia-bylaws>; on February 13, 2016, the director of an international corporate LGBT group, Out Leadership, wrote an op-ed in the *Jakarta Post* arguing that Indonesia’s business investors will indeed care about the government-driven discrimination against LGBT people because corporations struggle to reconcile their own LGBT-inclusive policies with discriminatory local laws. Todd Sears, “Why Indonesia’s Investors Should Care About Sudden Spiral on LGBT Rights,” *Jakarta Post*, February 13, 2015, <http://www.thejakartapost.com/news/2016/02/13/why-indonesia-s-investors-should-care-about-sudden-spiral-lgbt-rights.html> (accessed July 12, 2016).

threaten the nation itself.”<sup>28</sup> Indonesia has seen a steady rise in intolerance toward minorities—especially religious minorities—in recent years, and attacks on LGBT people occur amid political maneuvering between officials and radical religious groups. *Jakarta Post* Editor Endy Bayuni wrote in March 2016, “The few voices defending the rights of LGBTs are being drowned out, or rather bullied, by the growing chorus that has turned the LGBT community into Indonesia's public enemy No. 1,” lamenting that “LGBTs cannot turn to those who have traditionally spoken up for persecuted minorities.”<sup>29</sup> Or, as veteran Indonesia analyst Sidney Jones said in 2015: “they used to have transvestite beauty contests, you couldn't get away with that in a million years now in Indonesia. There's an increasing attempt by some groups to try to enforce morality by the state which is something we haven't seen before in Indonesia.”<sup>30</sup>

In a 2013 report, Human Rights Watch documented systematic attacks on religious minorities and their property carried out by militant Islamists, as well as the government's unwillingness to intervene to prevent such violence.<sup>31</sup> In a 2016 investigation, Human Rights Watch found that Indonesian officials and security forces had been complicit in the violent forced eviction of more than 7,000 members of the Gafatar religious community from their homes in Kalimantan<sup>32</sup> between January and March 2016.<sup>33</sup> Close ties between militant Islamist groups such as the FPI and law enforcement continue to create an environment of widespread social sanction and impunity for attacks on minorities. Nationalistic fervor opens space for the slurring of minorities as a way of gaining popular attention.<sup>34</sup>

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<sup>28</sup> Boellstorff, *A Coincidence of Desires: Anthropology, Queer Studies*, p. 176.

<sup>29</sup> Endy M. Bayuni, “Gay bashing signals Indonesia's growing intolerance of minorities,” *The Straits Times*, March 5, 2016, <http://www.straitstimes.com/opinion/gay-bashing-signals-indonesias-growing-intolerance-of-minorities> (accessed July 14, 2016).

<sup>30</sup> BBC, “Is Indonesia winning its fight against Islamic extremism?,” December 19, 2015, <http://www.bbc.com/news/magazine-35055487> (accessed July 14, 2016).

<sup>31</sup> Human Rights Watch, *In Religion's Name: Abuses against Religious Minorities in Indonesia*, February 2013, <https://www.hrw.org/report/2013/02/28/religions-name/abuses-against-religious-minorities-indonesia>.

<sup>32</sup> Kalimantan is the Indonesian province on the island of Borneo, which it shares with the Malaysian states Sabah and Sarawak, and the nation of Brunei.

<sup>33</sup> “Indonesia: Persecution of Gafatar Religious Group,” Human Rights Watch news release, March 29, 2016, <https://www.hrw.org/news/2016/03/29/indonesia-persecution-gafatar-religious-group>.

<sup>34</sup> Center for Strategic and International Studies, “Indonesia's Mounting Intolerance toward Minority Groups Prompts Concern,” April 14, 2016, <http://csis.org/publication/indonesias-mounting-intolerance-toward-minority-groups-prompts-concern>

Such actions are in part made possible by discriminatory laws and regulations, including a blasphemy law that officially recognizes only six religions, and house of worship decrees that give local majority populations significant leverage over religious minority communities.

Indonesian government institutions have also played a role in the violation of the rights and freedoms of the country's religious minorities. Those institutions, which include the Ministry of Religious Affairs, the Coordinating Board for Monitoring Mystical Beliefs in Society (Bakor Pakem) under the Attorney General's Office, and the semi-official Indonesian Ulema Council, have eroded religious freedom by issuing decrees and *fatwas* (religious rulings) against members of religious minorities and using their position of authority to press for the prosecution of "blasphemers."

## The Case of Aceh

Nowhere is the example of local authorities acting contrary to Indonesia's international legal obligations more evident than in Aceh province. Aceh enjoys relative autonomy from the central government as a Special Administrative Region, including a semi-independent legal system.<sup>35</sup> On September 27, 2014, the Aceh provincial parliament approved the *Qanun Jinayah*, a bylaw that replaces elements of the criminal code with Sharia provisions for Muslims and, in certain cases, non-Muslims. Among other things, the bylaw criminalizes consensual same-sex sexual acts as well as all *zina* (sexual relations outside of marriage). It prohibits *liwath* (sodomy) and *musahaqah* (lesbianism), and permits as punishment up to 100 lashes and up to 100 months in prison for consensual same-sex sex acts.<sup>36</sup>

The Sharia provisions in Aceh are enforced primarily by municipal Sharia police, or *Wilayatul Hisbah* (known by their acronym, WH), and also by neighbors and community members, who are empowered by provisions of the law to act against suspected

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<sup>35</sup> Under national legislation stemming from a "Special Status" agreement brokered in 1999, Aceh is the only one of Indonesia's 34 provinces that can legally adopt bylaws derived from Sharia. Aceh's parliament drafted the Qanun Jinayah while the province's official Islamic Affairs Office drafted the Islamic criminal code. The Aceh ceasefire agreement specifically reads: "The legislature of Aceh will redraft the legal code for Aceh on the basis of the universal principles of human rights as provided for in the United Nations International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights." Memorandum of Understanding Between the Government of the Republic of Indonesia and the Free Aceh Movement, <http://www.ucdp.uu.se/downloads/fullpeace/Ind%20050815.pdf> (accessed July 14, 2016).

<sup>36</sup> "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>.

violators.<sup>37</sup> Acehese leaders have stoked homophobia. In 2012 while the by-laws were being debated in the provincial legislature, Banda Aceh Deputy Mayor Illiza Sa'aduddin proposed harsher punishments for homosexuality, telling the media: "If we ignore it, it will be like an iceberg....Even if one case of homosexuality [is] found, it's already a problem... we are really concerned about the behavior and activities of the gay community, because their behavior is deviating from the Islamic Shariah."<sup>38</sup> In 2013, after Illiza had been elected mayor of Banda Aceh (she currently holds the office), she told reporters that "homosexuals are encroaching on our city."<sup>39</sup> In February 2016, Illiza announced she would create a "special team" to make the public more aware of the "threat of LGBT" and to "train" LGBT people to "return to a normal life."<sup>40</sup>

The WH have targeted LGBT people in public spaces.<sup>41</sup> Within days of the *Qanun Jinayah* coming into force, the WH arrested two young women, ages 18 and 19, for embracing in public, accused them of lesbianism, and detained them for three nights at a WH facility in Banda Aceh.<sup>42</sup> As part of the WH interrogation process, each woman was shown a series of photos and asked if she knew the individuals and whether they were LGBT people. Some of the photographs displayed to them had been taken by WH officers during prior sweeps and arrests. Others appeared to have been taken directly from social media, including Facebook. One of the photos was of a close friend of theirs, and on seeing it they inadvertently reacted with body language that made WH officers suspicious. The friend who appeared in the photo told Human Rights Watch: "Since I know the WH have my photo on file now, I only leave my home in emergencies—it's not safe to go outside unless I absolutely have to, for example to help someone else who has been assaulted or

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<sup>37</sup> In a 2010 report, Human Rights Watch documented instances of community enforcement of Aceh's Sharia "seclusion law." Human Rights Watch, *Policing Morality: Abuses in the Application of Sharia in Aceh, Indonesia*, November 2010, <https://www.hrw.org/report/2010/11/30/policing-morality/abuses-application-sharia-aceh-indonesia>

<sup>38</sup> Camelia Pasandaran and Nurdin Hasan, "Banda Aceh Deputy Mayor Pushes for Bylaw Criminalizing Same-Sex Relationships," *Jakarta Globe*, May 7, 2013, <http://jakartaglobe.beritasatu.com/news/banda-aceh-deputy-mayor-pushes-for-bylaw-criminalizing-same-sex-relationships/> (accessed July 14, 2016).

<sup>39</sup> *Tribune News*, "Kaum Gay Mulai Merambah Banda Aceh," May 5, 2013, <http://www.tribunnews.com/regional/2013/05/05/kaum-gay-mulai-merambah-banda-aceh> (accessed July 14, 2016).

<sup>40</sup> *Serambi Indonesia*, "Pemko Bentuk Tim Pencegahan LGBT," February 27, 2016, <http://aceh.tribunnews.com/2016/02/27/pemko-bentuk-tim-pencegahan-lgbt> (accessed June 1, 2016).

<sup>41</sup> In 2010, the head of the already-established Sharia police (known as the Wilayatul Hisbah, or WH) told the Indonesian media that, in his opinion, homosexuality is forbidden in Aceh whether or not a local law prohibiting it exists. See Human Rights Watch, *Policing Morality—Abuses in the Application of Sharia in Aceh, Indonesia*.

<sup>42</sup> "Indonesia: 'Suspected Lesbians' Detained," Human Rights Watch news release, October 2, 2015, <https://www.hrw.org/news/2015/10/02/indonesia-suspected-lesbians-detained>



harassed.”<sup>43</sup> When the WH released the pair on the fourth day, they were transported to a government-run rehabilitation facility for seven days of religious counselling.

As the national situation deteriorated in 2016, LGBT people in Aceh came under increasing pressure.<sup>44</sup> The municipal government in Bireuen, a coastal city, issued a decree on March 7 calling on all business owners to refuse employment to LGBT people.<sup>45</sup> NGOs, which were already operating in secret, abandoned their offices and destroyed their files—leaving the already-skeletal support services for LGBT people in the province all but abandoned. Activists outside of Aceh evacuated several LGBT human rights defenders from the province.

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<sup>43</sup> Human Rights Watch interview with Danu N., location withheld, January 12, 2016.

<sup>44</sup> On February 22, based on interviews with 20 LGBT people and activists from Aceh, Human Rights Watch filed an urgent action letter with five UN Human Rights Council special procedures documenting the shrinking space for LGBT human rights defenders in Aceh, as well as WH and community abuses against LGBT people there. See Human Rights Watch urgent action letter to UN Working Group on Arbitrary Detention, the UN Special Rapporteur on the situation of human rights defenders, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and the UN Special Rapporteur on minority Issues, Human Rights Watch Complaint on the Rights of LGBT people in Indonesia’s Aceh Province, February 22, 2016, <http://www.hrw.org/news/2016/03/29/human-rights-watch-complaint-rights-lgbt-people-indonesias-aceh-province>.

<sup>45</sup> See Appendix 1

## Anatomy of a Crisis

What makes the current ‘LGBT crisis’ so concerning is the role played by state officials and organizations, and the concomitant threat to implement anti-LGBT policies and laws—a threat that in some cases has been carried out with astonishing speed.

—Anthropologist Tom Boellstorff, March 2016<sup>46</sup>

### Rhetorical Onslaught, Violent Reality

On January 24, the right-wing tabloid *Republika* published a front page headline reading “LGBT a Serious Threat.” The article referenced *Republika*’s “research” which found that “the number of adherents to the LGBT lifestyle is growing rapidly” and explained that “members of the LGBT community are openly appearing on social media, especially through twitter,” where they target young children with information. The claims that the LGBT population is rapidly growing and that activists are corrupting children through information disseminated by social media reflects common misconceptions about LGBT people in Indonesia.

But if the overall tone of the article was not surprising, the details demonstrated its potential for real harm. The piece quoted Muhammad Nasir Djamil, an Acehnese politician and a former Banda Aceh-based journalist, who blamed modernity for spreading homosexuality in Indonesia, and an anonymous “former lesbian” who warned that homosexuality can spread faster than drugs—“almost every day there is a new lesbian.”<sup>47</sup>

On the same day that the *Republika* article appeared, the minister of research, technology, and higher education, Mohammad Nasir,<sup>48</sup> denounced the Support Group and Resource

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<sup>46</sup> Tom, Boellstorff, “Against State Straightism: Five Principles for Including LGBT Indonesians,” E-International Relations, March 21, 2016, <http://www.e-ir.info/2016/03/21/against-state-straightism-five-principles-for-including-lgbt-indonesians/> (accessed July 13, 2016).

<sup>47</sup> *Republika*, “LGBT Ancaman Serius,” <http://republika.co.id/berita/koran/halaman-1/16/01/24/01gi281-lgbt-ancaman-serius> (accessed July 15, 2016).

<sup>48</sup> Nasir is a Nahdlatul Ulama leader (see text box “The Nahdlatul Ulama and Political Power”). He previously served as the dean of the faculty of economics and business at Universitas Diponegoro in Central Java, and was elected rector of that university shortly before being selected by President Jokowi as minister.



The Conservative Islamic newspaper *Republika* ran the headline “LGBT a Serious Threat,” on its front page on January 26, 2016, following comments by the minister of higher education saying he wanted to ban LGBT student groups. © 2016 Andreas Harsono/Human Rights Watch

Center on Gender and Sexuality Studies (SGRCSS) at the University of Indonesia,<sup>49</sup> a group that provides information about gender and sexuality to students and hosts academic discussions, for not being “in accordance with the values and morals of Indonesia.”<sup>50</sup> Nasir added that he forbade the existence of LGBT-oriented academic groups at universities.<sup>51</sup> Nasir later modified this assertion via social media, saying that “as Indonesian citizens, LGBT individuals should receive the same treatment in the eyes

<sup>49</sup> Website of Support Group and Resource Center on Gender and Sexuality Studies at the University of Indonesia, <https://sgrcui.wordpress.com/> (accessed February 10, 2016).

<sup>50</sup> Hendri Yulius, “LGBT Indonesians on campus: too hot to handle,” *Indonesia At Melbourne*, January 26, 2016, <http://indonesiaatmelbourne.unimelb.edu.au/lgbt-indonesians-on-campus-too-hot-to-handle/> (accessed February 5, 2016).

<sup>51</sup> *Jakarta Post*, “LGBT Not Welcome At University,” January 24, 2016, <http://www.thejakartapost.com/news/2016/01/25/lgbt-not-welcome-university-minister.html> (accessed February 10, 2016).

of the law,” but he then immediately added that “this does not necessarily mean the state should legitimize LGBT status.”<sup>52</sup>

By March 20, within a period of just two months, more than 18 officials and government bodies across the country had issued statements condemning LGBT people, human rights campaigning on behalf of LGBT people, or both. As one activist in Medan put it: “I knew LGBT was a sensitive issue, but I had no idea it would get so big so fast this year.”<sup>53</sup>

Nasir’s condemnation of the LGBT group at the University of Indonesia (SGRCGSS) did not come in isolation. In the preceding months there were other lower-profile statements and actions against LGBT people. For example, in November 2015, Brawijaya University authorities cancelled an LGBT-themed event, claiming they had received threats of an attack from unnamed sources.<sup>54</sup> That same month, the rector of the University of Lampung threatened to expel any students or lecturers involved in LGBT organizing or academic work.<sup>55</sup> Nasir’s comment was also preceded by reports from representatives of international NGOs that domestic intelligence agents had in late 2015 and early 2016 directed them to cease all LGBT-related activities for the sake of “national security.” Those sources told Human Rights Watch that the agencies justified that directive on the basis that it would “avoid provoking religious groups to commit violence.”

What was distinctive about Nasir’s condemnation is that it came from a minister at the highest levels of government, increasing the dangers for an already vulnerable group. The ensuing series of statements from other high ranking government officials

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<sup>52</sup> Felix Utama Kosasih, “The LGBT Stigma in Indonesia,” *Global Indonesian Voices*, February 2, 2016. <http://www.globalindonesianvoices.com/24799/the-lgbt-stigma-in-indonesia/> (accessed February 10, 2016); Nasir’s backtracking on Twitter featured the following statements: “My prohibition is against LGBT groups entering the campus when they do other less commendable actions such as making love or showing affection on campus.” And: “I appeal to all the universities to always provide intensive assistance for students.” See: *Coconuts Jakarta*, “Minister of Higher Ed offers confusing, contradictory defense for banning LGBT groups from universities,” January 25, 2016, <http://jakarta.coconuts.co/2016/01/25/minister-higher-ed-offers-confusing-contradictory-defense-banning-lgbt-groups> (accessed July 15, 2016).

<sup>53</sup> Human Rights Watch interview with Damar H., Medan, March 8, 2016.

<sup>54</sup> *Tempo*, “Larang Diskusi LGBT, Universitas Brawijaya Dikecam,” November 13, 2015, <http://nasional.tempo.co/read/news/2015/11/13/079718690/larang-diskusi-lgbt-universitas-brawijaya-dikecam> (accessed February 10, 2016).

<sup>55</sup> *Tempo*, “Diskusi Gay Lesbian Dilarang di Undip, Ini Kronologinya,” November 13, 2015, <http://nasional.tempo.co/read/news/2015/11/13/058718486/diskusi-gay-lesbian-dilarang-di-undip-ini-kronologinya> (accessed February 10, 2016).

emboldened hostile groups to act against LGBT people with a sense of impunity. As an activist in Medan said:

The problem with the government endorsing that we are sinful or sick is that any group that doesn't know anything about LGBT people is learning about us this way now—and then if they need someone to attack, they can come after us because they basically have the approval of the government.<sup>56</sup>

Subsequent slurs exposed the willingness of officials to exploit the LGBT issue to further for their own political agendas. For example, some analysts saw Minister of Defense Ryamizard Ryacudu's February 23 comment that the LGBT rights movement is a "type of modern warfare" as invocation of popular anxieties regarding Indonesia's national security.<sup>57</sup> A defense ministry and military-run training program called "Bela Negara," which surfaced in 2016, attempts to train citizens to defend the nation against "proxy wars" and "perceived threats such as communism, drugs and homosexuality."<sup>58</sup>

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<sup>56</sup> Human Rights Watch interview with Damar H., Medan, March 8, 2016.

<sup>57</sup> *Tempo*, "Minister: LGBT Movement More Dangerous than Nuclear Warfare," February 23, 2016, <http://en.tempo.co/read/news/2016/02/23/055747534/Minister-LGBT-Movement-More-Dangerous-than-Nuclear-Warfare> (accessed July 15, 2016).

<sup>58</sup> Reuters, "In Indonesia, 'national defense' training against perceived threats," June 8, 2016, <http://www.reuters.com/article/us-indonesia-security-idUSKCN0YToMB> (accessed July 15, 2016).; Bradley Wood, "Living in Gangster's Paradise," *New Mandala*, July 19, 2016, <http://www.newmandala.org/living-gangsters-paradise/> (accessed July 20, 2016).

# 2016: INDONESIA'S "LGBT

## MUHAMMAD NASIR

*Research, Technology, and Higher Education Minister*

Responding to a brochure stating that LGBT individuals should be barred from campuses at the University of Indonesia: **"There are standards of values and morals to uphold. A university is a moral safeguard."**



## ZULKIFLI HASAN

*People's Consultative Assembly Chairman*

On homosexuality: "It does not fit with our culture, should be banned because it does not fit with the culture of Indonesia. As a movement, the existence of LGBT must be opposed."



## RIDWAN KAMIL

*Bandung Mayor*

"Sexual preferences should be a private matter and cannot be exposed or campaigned about publicly, because there are social behaviors that are not acceptable in Indonesia."



## YUDDY CHRISNANDI

*Administrative and Bureaucratic Reform Minister*

"Of course it is inappropriate for civil servants to be [homosexual]. Having more than one wife for a man is still normal...but LGBT is another issue."



January

February



## NASIR DJAMIL

*Prosperous Justice Party politician*

"The LGBT community is a serious threat to the nation. It should not be allowed to grow or be given room to conduct its activities. Even more serious are those LGBT members who go into universities with scientific studies, or hold discussion groups."



## RENI MARLINAWATI

*House of Representatives member*

On homosexuality: "This practice in addition to violating religious norms is also contrary to positive law. We unequivocally reject and oppose this practice."



## KHOFIFA INDAR PARAWANSA

*Social Affairs Minister*

"A month ago I went to Lombok and found that [LGBT groups] targeted the poor middle school kids, they gave the kids gifts, two weeks after the boys have changed, they wore lipstick, [they converted them] in a very short time."



## ABOE BAKAR ALHABSY

*Prosperous Justice Party lawmaker*

"LGBT community poses problems within society." He urged the government to take a firm stance on the issue. "What is Indonesia's stance on this [issue]? It would be a disgrace to ignore it."



# CRISIS” IN WORDS

**RYAMIZARD RYACUDU**  
*Defense Minister*

“It’s dangerous as we can’t see who our foes are; out of the blue everyone is brainwashed. Now the (LGBT) community is demanding more freedom, it really is a threat. In a proxy war, another state might occupy the minds of the nation without anyone realizing it. In a nuclear war, if a bomb is dropped over Jakarta, Semarang will not be affected; but in a proxy war, everything we know could disappear in an instant—it’s dangerous.”



**BERLIANA KARTAKUSUMAH**  
*Hanura Party Secretary-General*

“LGBT people must be banned just like we banned communism and drug trafficking.”

## March

**LUKMAN HAKIM SAIFUDDIN**  
*Religious Affairs Minister*

“We cannot be hostile nor hate as they are also citizens of the state. This doesn’t mean that we condone or allow for the LGBT movement to shift the religious values and the identity of the nation.”



**MAHFUDZ SIDDIQ**  
*House of Representatives member*

“LGBT issues can damage national security, identity, culture and the faith of Indonesians.”



**ARIEF R WISMANSYAH**  
*Tangerang Mayor*

“The role of the parent is very important in order to guide their children away from violating nature... Especially as lately there have been many LGBT issues, which is considered a psychological illness. Adherents of LGBT should be returned to the appropriate nature of gender...”



**HIDAYAT NUR WAHID**  
*People’s Consultative Assembly Deputy Speaker*

“The LGBT movement cannot be trivialized. The crime is very closely entwined within society, not only in big cities but also small villages.”



**DEDING ISHAK**  
*National Assembly member*

Called for legislation that “aims to prevent and protect society from the massive propaganda launched by the LGBT community. Their campaign has reached out on social media. We need a solution to deal with this situation—it is like a warning to us all.”



**LUHUT PANDJAITAN**  
*Then-Political, Legal, Security Affairs Coordinating Minister*

“Whoever they are, wherever they work, they continue to be Indonesian citizens. They have the right to be protected as well. I disagree with evictions, killing or anything like that. I want us to become a civilized country. It [being homosexual] is not what the person wants.”



People drive a motorcycle past a banner put up by the hardline Islamic Defenders Front calling for gay people to leave the Cigondewah Kaler area in Bandung, Indonesia West Java province, January 27, 2016 in this photo taken by Antara Foto. Indonesia's third-largest city has ordered a hardline Muslim group to take down "provocative" banners targeting the gay community and calling for them to leave, officials said on Friday. The banner reads, "Lesbian and Gay banned in our area". January 27, 2016. © 2016 Agus Bebeng/ Antara Foto/ Reuters

## Deteriorating Security

[The extremist groups] say they are attacking us because of their religion but in the end it just makes them happy because they feel powerful when even the police back away.

—Waria activist, Makassar, March 7, 2016.

Nasir's public comments and the chorus of officials who followed him provided social sanction for attacks on the basis of real or suspected sexual orientation or gender identity.

On January 28, just four days after Nasir's remarks, groups of men affiliated with the Islamic Defenders Front (FPI), which has a reputation for violence, raided boarding houses in Bandung to search for suspected lesbians—with at least one media outlet and activists reporting that it was done with the help of local police.<sup>59</sup> The FPI hung banners in some areas of the city that read, "Gays forbidden to enter."

Ridwan Kamil, the mayor of Bandung ordered the FPI to remove the banners, but during a press meeting at his residence on January 26, said that LGBT people should not express their identities on social media or they risked government censorship.<sup>60</sup> The following week on February 3, FPI members accompanied by police officers harassed participants at a seminar for LGBT activists in Jakarta, subsequently claiming on social media that their intervention to put an end to the seminar was a victory.<sup>61</sup> The event was coordinated by an international NGO, OutRight Action International. As one participant told Human Rights Watch:

There were three men from the FPI and three police officers—I met them in the lobby of the hotel (the seminar was on the 5<sup>th</sup> floor). The police asked us what we were doing so I walked them through the training module—then they asked us to stop. "Better you talk to the FPI about stopping their harassment," I said. The police responded: "It's good that the FPI came and reported you to us rather than attacking you directly. You have to stop."<sup>62</sup>

On February 7 in Surabaya, East Java province, health organizations and an entertainment company organized an HIV testing awareness event. The police informed organizers that they would not be able to protect the event from attacks

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<sup>59</sup> *Tempo*, "Cari Kaum LGBT, FPI Sweeping Rumah Kos di Bandung," January 27, 2016, <https://nasional.tempo.co/read/news/2016/01/27/058739964/cari-kaum-lgbt-fpi-sweeping-rumah-kos-di-bandung> (accessed February 10, 2016).

<sup>60</sup> Reuters, "Indonesian city reprimands Muslim hardliners for harassing gays," January 29, 2016, <http://uk.reuters.com/article/uk-indonesia-gay-idUKKCNoV7oWQ> (accessed July 15, 2016); *Tempo*, "Publikasikan LGBT di Media Sosial, Ridwan Kamil: Saya Blokir," January 26, 2016, <http://nasional.tempo.co/read/news/2016/01/26/058739451/publikasikan-lgbt-di-media-sosial-ridwan-kamil-saya-blokir> (accessed February 10, 2016).

<sup>61</sup> *Islamedia*, "FPI dan Polisi Berhasil Membubarkan Acara Seminar LGBT Jakarta," February 4, 2016, <http://islamedia.id/fpi-dan-polisi-berhasil-membubarkan-acara-seminar-lgbt-jakarta/> (accessed February 10, 2016).

<sup>62</sup> Human Rights Watch interview with Maryanti Y., Jakarta, March 2, 2016.

by extremist groups.<sup>63</sup> Organizers tried to clarify publicly that not only was it not an LGBT-specific event, but it was also being attended by government entities including the Surabaya Health Department, the Surabaya Social Department, the Surabaya HIV/AIDS Prevention Commission, and staff from three community health centers.<sup>64</sup> Ultimately the organizers cancelled the event. On learning that it was cancelled, Soekarwo, the governor of East Java province tweeted: “Thank God to all the netizens of Indonesia. I made sure that the plans for the Gay community in Surabaya’s party tonight are CANCELLED.”<sup>65</sup>

The anti-LGBT rhetoric and intimidation also seems to have had a direct impact on the visibility and engagement of UNDP, which had been running its “Being LGBT in Asia” program in Indonesia since 2014, and drew the direct ire of the Indonesian government. In September 2015, UNDP had joined 11 other UN agencies in a joint statement calling violence and discrimination against LGBT people “cause for alarm—and action.”<sup>66</sup> As the agencies put it: “Failure to uphold the human rights of LGBTI people and protect them against abuses such as violence and discriminatory laws and practices, constitute serious violations of international human rights law and have a far-reaching impact on society.”

However, throughout the 2016 crisis, UNDP kept a low public profile, and activists with whom UNDP had worked during the implementation of the “Being LGBT in Asia” program told Human Rights Watch that there was a noticeable decrease in communications between them and UNDP. Then on February 15 Indonesian media reported that Vice President Jusuf Kalla had summoned the UN Resident Coordinator in Jakarta and requested he cease all LGBT-related activities in the country.<sup>67</sup> Activists interviewed by Human Rights Watch expressed feelings of abandonment. One said: “UNDP may have been doing quiet

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<sup>63</sup> Asia-Pacific Coalition on Male Sexual Health, ILGA-Asia, ASEAN SOGIE Caucus, Asia-Pacific Transgender Network, and Youth Voices Count, “Joint Statement on the Deteriorating Situation of LGBTIQ Rights in Indonesia,” March 14, 2016, <http://www.apcom.org/2016/03/14/4901/> (accessed July 15, 2016).

<sup>64</sup> *Tempo*, “Surabaya Gay `Party` was Just HIV/AIDS Dissemination: Organizer,” February 8, 2016, <http://en.tempo.co/read/news/2016/02/08/055743093/Surabaya-Gay-Party-was-Just-HIVAIDS-Dissemination-Organizer>

<sup>65</sup> *Coconuts Jakarta*, “Government shuts down “gay party” in Surabaya that was actually HIV/AIDS seminar,” February 9, 2016, <http://jakarta.coconuts.co/2016/02/09/government-shuts-down-gay-party-surabaya-was-actually-hiv-aids-seminar>

<sup>66</sup> Office of the High Commissioner for Human Rights, joint statement, “United Nations entities call on States to act urgently to end violence and discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI)1 adults, adolescents and children,” September 2015, [http://www.ohchr.org/Documents/Issues/Discrimination/Joint\\_LGBTI\\_Statement\\_ENG.PDF](http://www.ohchr.org/Documents/Issues/Discrimination/Joint_LGBTI_Statement_ENG.PDF) (accessed February 10, 2016).

<sup>67</sup> *The Jakarta Post*, “Kalla Requests UNDP Not Fund LGBT Groups,” February 15, 2016, <http://www.thejakartapost.com/news/2016/02/15/kalla-requests-undp-not-fund-lgbt-groups.html> (accessed July 15, 2016).

diplomacy, but we have no communications from them.”<sup>68</sup> It is particularly concerning that activists were left with the feeling that UNDP, which had encouraged LGBT visibility, was not there for them when anti-LGBT incidents intensified.

Human Rights Watch corresponded and met with UNDP in New York to discuss issues LGBT Indonesians were facing and the agency’s response.<sup>69</sup> UNDP explained in writing that, “in early February 2016, UNDP held discussions with programme partners across government and with the National Human Rights Commission on the LGBT issue in Indonesia, including security concerns.” The agency, however, confirmed that “[f]ollowing discussions with the Indonesian Government, and taking into account the prevailing security concerns, UNDP suspended activities of the regional [Being LGBTI in Asia] initiative in Indonesia at this time.”<sup>70</sup>

### *Harassment and Intimidation of Activists*

It’s no longer safe to have events here. We would have to ask the FPI for permission, not the government or police—because they aren’t really in charge.

—An activist in an undisclosed city, March 6, 2016.

Fridays are fearful for us now because [some] Imams invoke anti-LGBT sentiment during their sermons then radical groups leave prayers hungry to attack. Fridays used to mean it was the weekend coming, but now it means sermons telling people to hate us.

—An activist in Jakarta, March 2, 2016.

In February and March 2016 Human Rights Watch conducted more than 50 interviews with sexual and gender minorities and LGBT human rights defenders across Indonesia about the impact of the outpouring of anti-LGBT sentiment in 2016, which ranged from outright threats to subtler harassment.

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<sup>68</sup> Human Rights Watch interview with Tita R., Yogyakarta, March 4, 2016.

<sup>69</sup> For the March 25th Human Rights Watch letter to UNDP, see Appendix XX. Human Rights Watch then met with UNDP in New York on May 5<sup>th</sup>.

<sup>70</sup> See Appendix 2 for UNDP’s written response to Human Rights Watch on June 20th.

LGBT human rights activists and employees of NGOs that provide services to LGBT people told Human Rights Watch that they had historically faced sporadic harassment and generally had little confidence in reporting cases to authorities,<sup>71</sup> but that conditions worsened significantly in early 2016. The uptick in anti-LGBT rhetoric that began in January 2016 coincided with increased intimidation and threatening events—some of which were specifically linked to the heated public discourse.

Said the leader of an LGBT NGO in Jakarta: “Our landlord came to us and asked ‘is this an LGBT organization?’ We said yes, and he said: ‘I don’t have a problem with LGBT, but now it’s in the media so the neighbors have come to me to say they’re worried about you being here.’”<sup>72</sup> A gay activist in Medan who said his bank forced him to close his NGO’s bank account in February 2016 because the registration included “LGBT” said:

Once Nasir made his statement, I got two types of calls—one was from people threatening me because of my public profile as an openly gay student and activist, and the other type was from friends who said all of the sudden they were getting random requests for my home address.<sup>73</sup>

A transgender HIV outreach worker in South Sulawesi said that when a group of 20 men claiming to be from a fundamentalist group threatened her in January 2016 for handing out condoms at a popular gathering place for waria, it was the first time she had ever experienced such harassment in over a decade of working there.<sup>74</sup>

When we interviewed him in mid-March, a transgender activist in Yogyakarta said that since early February he had slept at a different friend’s or family member’s home every night to avoid fundamentalist groups detecting his location. “It’s become like Aceh here,” he said. “We don’t have the [Sharia] by-laws, but in recent weeks the atmosphere has become basically as if we do.”<sup>75</sup> Several other people told Human Rights Watch that they lived in fear. As another Yogyakarta-based LGBT rights activist put it: “Whenever I see

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<sup>71</sup> For example, a lesbian activist in Makassar said: “We have handled so many cases with the police by now in which they’ve either outright harassed us or failed to follow up that we basically understand they’re not there to protect us.” Human Rights Watch interview with Bandini Y., South Sulawesi, March 7, 2016.

<sup>72</sup> Human Rights Watch interview with Maryanti Y., Jakarta, March 2, 2016.

<sup>73</sup> Human Rights Watch interview with Damar H., Medan, March 8, 2016.

<sup>74</sup> Human Rights Watch interview with Lati N., location withheld, March 7, 2016.

<sup>75</sup> Human Rights Watch interview with Takat P., Yogyakarta, March 3, 2016.



someone in traditional religious attire now, I get anxious and turn around.”<sup>76</sup> Said a waria in Yogyakarta: “Now we know that facing abuse by mobs is part of our existence. It’s part of the social rules we will have to live by.”<sup>77</sup>

### *Crackdown in Yogyakarta*

On February 23, 2016, a coalition of pro-democracy, women’s, and human rights organizations planned a peaceful rally in Yogyakarta, a university city in Java, to demonstrate solidarity with LGBT Indonesians.

The rally represented years of coalition building between LGBT groups and allies. Explained one activist: “Trust was built over time. Everyone would meet in solidarity at screenings of ‘The Look of Silence’ or other controversial events—it made us realize we all could support each other.”<sup>78</sup> These progressive groups shared something in common. All were subject to attacks by religious extremists. And police failed to adequately protect them. This formed the basis for solidarity and coalition building, over time.

Demonstrators planned to gather in the afternoon in a downtown area; for their safety, they only announced the location a few days in advance, and gave notice to the police on the day of the event. But word of the event leaked on social media, and militant Islamist groups launched a campaign of threats and intimidation.

On the day of the demonstration, the religious group Angkatan Muda Forum Ukhuwah Islamiyah, or “FUI”, issued a statement calling on the government and citizens of Yogyakarta to reject the event, LGBT rights activism, and LGBT people. FUI’s statement, which was circulated on social media and paper flyers, ordered “[g]overnment agencies,

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<sup>76</sup> Human Rights Watch interview with Nardi H., Yogyakarta, March 3, 2016.

<sup>77</sup> Human Rights Watch interview with Samita L., Yogyakarta, March 3, 2016.

<sup>78</sup> Human Rights Watch interview with Tita R., Yogyakarta, March 4, 2016; “The Look of Silence” is a film by Joshua Oppenheimer that examines the continuing impact of Indonesia’s failure to come to terms with the army-led mass slaughter of communists and suspected communist sympathizers in the country in 1965-’66. In the government’s account, the killings were a justified and heroic response to an Indonesian Communist Party plot to overthrow the government, which began with the murder of six army generals on September 30, 1965. Over the ensuing months, at least 500,000 people were killed (the total may be as high as one million). The victims included members of the Communist Party of Indonesia (P.K.I.), ethnic Chinese, as well as trade unionists, teachers, civil society activists, and leftist artists. The official narrative from the Indonesian government has silenced survivors and family members of the victims. The film was nominated for a 2016 Academy Award.

police, military, municipal governments, and all relevant agencies to conduct a concerted effort to eradicate the LGBT disease.”

The statement went on to say that “LGBT is an evil attempt of the enemies of religion and nation to shatter the country’s moral social order” and pledged that FUI would report all “amoral LGBT activities” to authorities. If the authorities failed to punish LGBT people, the statement warned, “we will enact what has been prescribed though Islam by penalties of burning, stoning, or the imposition of the highest punishment [death] to the perpetrators of LGBT.” Heeding the threats, police contacted well-known progressive activists and asked them to ensure the demonstration was cancelled. Said one human rights lawyer who visited the police station at 1 p.m. that day: “The police asked me if it was a LGBT rights rally, and I said no—I said it was being organized by a range of groups. They responded, ‘well the religious groups are having an anti-LGBT demonstration, so this must be an LGBT demonstration.’”<sup>79</sup>

According to witnesses and participants Human Rights Watch interviewed, approximately 150 people assembled around 3 p.m. on February 23 for the demonstration. Roughly 100 police arrived at the scene. “We were planning a one kilometer march, but as soon as we took five steps, the police stopped us,” a participant said. Participants attempted to negotiate with the police, but police told them to stop the demonstration because it would “create chaos for Yogyakarta.”<sup>80</sup> Within 90 minutes of the demonstrators’ first attempt to walk, additional police trucks had arrived—bringing officers wearing riot gear and carrying guns.

As demonstrators attempted to step forward, police pushed them back. Two women on the front lines told Human Rights Watch that some police officers grabbed their breasts and used homophobic slurs; men reported that some police had jabbed at their genitals with batons in an effort to make them stop the demonstration. A participant said: “We got into a pattern of taking five steps, getting physically pushed and beaten by the police, and then sitting for 10 minutes and refusing to move while they yelled at us.”<sup>81</sup>

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<sup>79</sup> See Appendix 3 for full statement

<sup>80</sup> Human Rights Watch interview with Takat P., Yogyakarta, March 3, 2016.

<sup>81</sup> Human Rights Watch interview with Tita R., Yogyakarta, March 4, 2016.

Footage broadcast on Indonesian television news networks shows uniformed police grabbing demonstrators, dragging them into a circle of other officers, and kicking them on the ground. Demonstrators interviewed by Human Rights Watch said police beat them with batons, and in some cases pulled them away from the crowd shouting “this is the provocateur, the organizer,” then forming two circles around them to conceal the abuse from onlookers, and kicking them.<sup>82</sup> One demonstrator who was beaten by police decided not to leave following the abuse: “We were told that the fundamentalist groups were waiting in the nearby alleyways to catch us and attack us as we departed—so it was safer to go back to the crowd and risk getting beaten by the police again.”<sup>83</sup> He was grabbed by uniformed officers a few hours later, dragged out of the crowd, and kicked again.

The crowd relented under the police pressure and dissipated as the sun went down. Monitors from human rights organizations helped by checking the surrounding area and ensuring participants could take certain roads home—that there were not people waiting to attack them. For the next week, activists who had participated in the demonstration received calls from unknown sources demanding to know who the organizers were. “They said our friends’ names,” one activist told Human Rights Watch. “They would call and say names of people they suspected—say ‘where is this person’—and when I stayed silent they would finally hang up.”<sup>84</sup>

“We believe the police insofar as they say they want peace in Yogyakarta. We don’t trust that they have the political will to protect LGBT people,” an activist who participated in the demonstration said.<sup>85</sup> A waria activist in Yogyakarta who said she received four phone calls from police following the demonstration told Human Rights Watch: “The police are only out to trap me now, not protect me. They invite me in for discussions, they say, but I don’t trust them. After the demonstration, I was told that police were at our [NGO] office the next day—so I have stayed in my home to avoid any contact with them.”<sup>86</sup>

According to activists, in the early morning of February 24, just hours after the crackdown on the LGBT solidarity demonstration, a group of seven unidentified men violently attacked

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<sup>82</sup> Human Rights Watch interview with Danang P., Yogyakarta, March 4, 2016.

<sup>83</sup> Human Rights Watch interview with Kasti W., Yogyakarta, March 4, 2016.

<sup>84</sup> Human Rights Watch interview with Tita R., Yogyakarta, March 4, 2016.

<sup>85</sup> Human Rights Watch interview with Takat P., Yogyakarta, March 3, 2016.

<sup>86</sup> Human Rights Watch interview with Samita L., Yogyakarta, March 3, 2016.

a waria while she was walking home in downtown Yogyakarta. “All we know is that they attacked her and ran away screaming *Allahuakbar*,” said one activist who accompanied the victim to get stitches for a head wound she sustained in the attack. “Incidents like this strike fear in the entire community—because we don’t know if it was extremist groups orchestrating a precise attack like they did at the demonstration the day before, or if it’s just common people acting out against us because government officials have said it’s okay to hate us.”<sup>87</sup>

### *Closing the Waria Islamic Boarding School*

“It was a place to pray together, to learn about Islam together,” said Shinta Ratri, the founder of a *pesantren* (Islamic boarding school) for waria in Yogyakarta. “Waria were uncomfortable praying in public mosques, so I thought it would be better for us to be together than sitting alone in our homes with our spiritual questions only in our hearts,” she told Human Rights Watch.

Shinta, 54 years old, started the *pesantren* in 2008 on a piece of property owned by her family. She told her family about her waria identity when she was 18, and began immediately wearing the *jilbab* (Muslim headscarf) and female clothing. “There were never any problems with me within my family or community,” Shinta said, “including when I opened the *pesantren*—we even had the support of local Islamic scholars.” For the past eight years, a small group of waria (30 at its peak) gathered on Sundays to pray together and learn how to read the Quran.

On the morning of February 18, 2016, amid the increase in anti-LGBT rhetoric from Indonesian public officials, the fundamentalist group Islamic Jihadist Front, or FJI, sent a letter to Shinta demanding she close the facility.

Shinta went immediately to the police station to request protection. At 7:30 a.m. the next day, the police arrived at the *pesantren*. “FJI might attack, so we are here to warn you about that,” Shinta recalls them telling her before they departed swiftly. Thirty minutes later a group from FJI arrived and demanded Shinta close the *pesantren*. By 10 a.m., legal aid society (LBH) staff had helped four warias leave and assisted in removing all materials

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<sup>87</sup> Human Rights Watch interview with Samita L., Yogyakarta, March 3, 2016.



Shinta Ratri, the founder of an Islamic boarding school and mosque for transgender women in Yogyakarta, Indonesia, chose to close down the institution under threats from fundamentalist groups in February 2016.  
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from the building that contained the names of members. Shinta, accompanied by LBH, went to the police station to file a report on the harassment. Officials passed her between a few different desks until finally a police officer told her: “Oh you can go home, the people who came this morning were just visiting you. You should treat them like a good Javanese person welcomes guests.” Another officer then stepped in to say he would visit the pesantren to check out the situation before Shinta returned, and then departed. When he returned an hour later, he told Shinta to stop worrying—that the FJI had just come by for “a dialogue.”

When Shinta returned home later that day, she learned from a neighbor that the police officer, accompanied by a military officer, had arrived to speak with the FJI, and that the FJI had delivered a request for Shinta's eviction to the community leader. "Everyone in the community was scared—they didn't like seeing the fundamentalists, plus the police, plus the military in their neighborhood," Shinta told Human Rights Watch. According to her neighbors, police had suggested a "community dialogue" about the pesantren, explaining that "we also have to guarantee the safety of the FJI in order to maintain public order." Shinta was invited to attend the meeting, scheduled for February 24, but she was instructed that no legal aid or NGO representatives could accompany her because they were not from the local community.

On the evening of February 24, Shinta along with three other warias from the pesantren arrived on time for the 8 p.m. meeting at the local community hall. "Everyone greeted me nicely, just as they always had, smiling," she said. "Then the FJI arrived—maybe 20 of them—and the environment changed. Community members' eyes turned cold and scared."

At the meeting, Shinta spoke first—telling the crowd her own story, and explaining how Islamic principles apply to waria. "I told them I've been a waria since I was a child and that I've never committed any crime," she said. "I explained how Islam teaches about waria, about disabled people—to show that there are different kinds of people that most others haven't thought about before, and our religion accommodates everyone."

When she finished, an FJI member stood and said: "Ibu Shinta is mentally ill like all warias, but she is still smart." FJI members went on to demand that the pesantren be closed immediately, saying "LGBT is haram (forbidden or proscribed by Sharia) and must be condemned, and that includes warias," and "God created man and woman and nothing in the middle—this is not a matter of human rights." The crowd cheered along in support of the statements. On the way out, Shinta heard a neighbor and friend say, "We need to call Shinta 'mas' (the Indonesian male pronoun) now."

Shinta was devastated, but for her safety and to protect her constituents, she decided to abide by the popular decision. "I've never felt this kind of fear before—I've never been attacked or harassed for being waria until just now, it's very new," she said.

The closure dealt a significant blow to the marginalized waria community. One waria in Yogyakarta who had attended Shinta's prayer sessions said: "We face so much rejection from Islamic leaders that I've sometimes thought about changing my religion. But I know my God and I want to meet him after I die, so I don't want to convert. I feel so lost now. We only prayed there once a week—what's so wrong about that?"<sup>88</sup> Another waria, who did not attend the pesantren's prayer sessions, pointed to the symbolism of the shuttering: "Since the closing of the pesantren, everyone is scared."<sup>89</sup>

### *Harassment and Intimidation in Communities and Families*

The government and extremist groups play their political games and control our lives—these political games ruin our lives. Only God knows who we really are in our souls. It's not the government's job to figure out who to blame for us existing—it's their job to protect us from harm.

—Waria in Yogyakarta

I don't feel safe with seeing all the 'end LGBT' statements on social media. I feel like a dog. Police and government should protect us—not participate in this.

—A 25-year-old gay man in South Sulawesi, March 7, 2016.

The newfound volatility in 2016 meant visibility was an extreme risk. Activists rushed to conceal their own identities and those of their constituents; individuals who had divulged their sexual orientation or gender identity to family or community members experienced increased harassment in private, and some relocated as a security measure.

In one instance a lesbian couple was harassed in their home. Human Rights Watch interviewed three people in Medan who explained what happened. In mid-February, a group of men from an unidentified religious group intimidated the couple who shared a rented room. "The two women were both masculine enough to attract newfound attention," an activist friend who was present during the attack told Human Rights Watch. "They shouted 'your pussy has never had a dick so that's why you can be like this,' and

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<sup>88</sup> Human Rights Watch interview with Warni H., Yogyakarta, March 4, 2016.

<sup>89</sup> Human Rights Watch interview with Feby R., Yogyakarta, March 4, 2016.

‘the Americans are paying you to behave like this—to sin against Islam and Indonesia.’”<sup>90</sup> Two activists attempted to stop the men from entering the room where the couple lived. “They had a uniformed police officer with them, standing in the background watching their actions, so we weren’t sure what we could do,” one activist said.<sup>91</sup> “Then they told us: ‘if you don’t let us in the room, we will force our way in and rape you.’”<sup>92</sup>

After issuing further insults and threats, the men left. The activists discussed the incident with human rights NGOs in Medan later that week, but were advised not to report it to police for fear of provoking the police against them. “The police were clearly already spying on us if they came with that group to a private room, so there wasn’t much we could expect—how can we report the police to the police?” an activist said.<sup>93</sup>

A waria in South Sulawesi told Human Rights Watch that on February 15, 2016, a group of unidentified men threw stones at waria at a public space in a city in South Sulawesi that was popular for informal gatherings among waria. “They hit us with batons, threatened us with swords. One of them threw a firework toward us,” she said, adding that friends have told her that similar attacks have happened since, but she has stayed home since the initial attack. “I don’t trust the police to help us. They hate us, plus they are powerless against the people who violently abuse us,” she said.<sup>94</sup>

A waria community leader in Yogyakarta said the closing of the waria Islamic boarding school had been an extremely effective “soft intimidation” tactic by the extremist groups. “I’m afraid of the Islamist groups intimidating our neighbors now that we have seen what they are capable of at the boarding school,” she said. “If they start harassing our allies, it won’t take much to turn them against us,” she said. To put the harassment and intimidation in context, she added that in October 2015 an army officer had visited the part of the city where she and around two dozen waria lived and asked neighbors “whether we were disturbing society.” She said: “It feels a lot like our history in 1965—first the military or fundamentalists come and ask questions, then the neighbors kick us out.”<sup>95</sup>

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<sup>90</sup> Human Rights Watch interview with Lila P., Medan, March 8, 2016.

<sup>91</sup> Human Rights Watch interview with Adine Y., Medan, March 8, 2016.

<sup>92</sup> Human Rights Watch interview with Adine Y., Medan, March 8, 2016.

<sup>93</sup> Human Rights Watch interview with Adine Y., Medan, March 8, 2016.

<sup>94</sup> Human Rights Watch interview with Hawa L., South Sulawesi, March 7, 2016.

<sup>95</sup> Human Rights Watch interview with Samita L., Yogyakarta, March 3, 2016.



Intensified negative media attention to “LGBT” topics also increased tensions in public and private spaces. Nearly all of the LGBT people Human Rights Watch interviewed described intensified harassment in their communities, including in places and situations where they had historically felt safe and supported. “I’ve been getting harassed increasingly recently because of my masculine appearance,” said a lesbian in South Sulawesi. “My family tells me I am bringing them shame because I don’t look normal, guards at cafes have denied me entry because they say I will upset other customers, and people on the streets point and whisper in recent weeks,” she said.<sup>96</sup>

A 26-year-old transgender man in Medan said that in February 2016 he was stopped on the street twice—once by a friend’s aunt, and once by someone he did not know—and asked: “Where are the others who look like you? It’s a sin to appear like this and we will find you.”<sup>97</sup> A 22-year-old gay man in Medan who works at a LGBT NGO told Human Rights Watch:

Three weeks ago, after all the negative media coverage started, my mother found some brochures about LGBT issues in my room and interrogated me. I had previously told her I worked for an HIV NGO. I had to come out to her then. My parents were extremely upset, threatened to kick me out of home. Every time in the past three weeks that I thought we were making progress by talking about it, the news would arrive and bring bad news about LGBT people—and their opinion would become negative again.<sup>98</sup>

“The impact of the anti-LGBT rhetoric from government officials is enormous for us as individuals. For those of us who have worked so hard and risked so much to come out, it is a major step backward,” said a lesbian activist in Makassar. The uptick in anti-LGBT rhetoric, she feared, could result in more cases of forced marriages of lesbians to men—a situation she had been involved in trying to prevent: “With all of this hatred from the government, parents start thinking about it and become suspicious of their kids if they are a little different at all. And for young lesbians, that means forced early marriage to men.”<sup>99</sup>

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<sup>96</sup> Human Rights Watch interview with Purwati N., South Sulawesi, March 7, 2016.

<sup>97</sup> Human Rights Watch interview with Estu N., Medan, March 8, 2016.

<sup>98</sup> Human Rights Watch interview with Jabal B., Medan, March 8, 2016.

<sup>99</sup> Human Rights Watch interview with Anindita P., South Sulawesi, March 6, 2016.

Another lesbian in South Sulawesi explained that in the past her masculine appearance had protected her in public—“most people think I’m a man so they leave me alone,” she said. However that has changed. The increasingly heated anti-LGBT public discourse gave people both a new vitriolic vocabulary and the social sanction to deploy it. Since the chorus of anti-LGBT rhetoric she no longer feels protected. “Even now when I walk down the street, people yell ‘LGBT, LGBT’—they don’t even know what the acronym means, they just see it in the media and know they should harass people who look different.”<sup>100</sup> A lesbian in Medan told Human Rights Watch: “I have eaten at the same food stall for years and just in the past two weeks I’ve heard people turn and point at me and say, ‘oh, that’s LGBT’.... I don’t know what they knew before the media outrage, and if they only know what they’re now hearing, it’s not safe for me to be around them.”<sup>101</sup>

Some individuals told Human Rights Watch that the hostility has made them increasingly afraid and thus discrete about how they appear and even what they talk about in public. A waria leader in Yogyakarta said: “I’m now telling waria friends not to even talk about LGBT in public. No reason to draw attention to ourselves as the debate heats up. We can’t be linked with activism or we’ll have to go into hiding.”<sup>102</sup>

## Institutionalizing Homophobia

Increased harassment and incidents of violence against LGBT people occurred in the aftermath of anti-LGBT statements by public officials. But it was not the only impact. Two government-appointed commissions issued misinformed and discriminatory statements, while some religious and professional associations called for criminalization of LGBT lives and LGBT-related human rights activism. Government agencies with mandates relevant to rights protection and promotion could have reacted to oppose such developments, but remained silent.

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<sup>100</sup> Human Rights Watch interview with Bandini Y., South Sulawesi, March 7, 2016.

<sup>101</sup> Human Rights Watch interview with Adine Y., Medan, March 8, 2016.

<sup>102</sup> Human Rights Watch interview with Indah M., Yogyakarta, March 4, 2016.

### *Clampdown on Information and Expression*

On February 1, 2016, Indonesia's National Children's Protection Commission (KPAI), ostensibly dedicated to safeguarding human rights,<sup>103</sup> issued a sweeping statement strictly forbidding "distribution of LGBT propaganda or information [about LGBT issues] to children or minors."<sup>104</sup> The KPAI statement not only equated basic factual information on gender and sexuality with "propaganda" but claimed to root its prohibition in provisions of the Indonesian criminal code outlawing the sexual abuse of children, ignorantly and dangerously conflating distribution of socially valuable information to youth with rape and other criminal activity.<sup>105</sup>

Less than two weeks later, on February 12, the National Broadcasting Commission (KPI), backed by the KPAI, issued a statement banning the broadcast on television and radio of information related to LGBT people, calling the ban "protection for children and adolescents that are vulnerable to duplicating LGBT deviant behavior."<sup>106</sup> As the KPI put it, in a meeting attended by KPAI commissioner Asrorun Ni'am:

The rules in [KPI's Broadcast Program Standards] are already clear, both regarding respect for values and norms of decency and propriety, and regarding the protection of children and teenagers that bans that [information] which encourages children and teenagers to learn about behavior that is inappropriate and/or justifies such behavior.<sup>107</sup>

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<sup>103</sup> According to its website, the KPAI, together with the National Commission on Violence against Women and the National Human Rights Commission, is "one of three national institutions that guards and supervises implementation of human rights in Indonesia." Komisi Perlindungan Anak Indonesia, Profile, Main Duties and Functions, <http://www.kpai.go.id/profil> (accessed July 15, 2016).

<sup>104</sup> Komisi Perlindungan Anak Indonesia, "Propaganda LGBT Dilarang Masuk Dunia Anak-Anak," February 1, 2016, <http://www.kpai.go.id/berita/propaganda-lgbt-dilarang-masuk-dunia-anak-anak/> (accessed July 15, 2016).

<sup>105</sup> Komisi Penyiaran Indonesia, "KPI Larang Promosi LGBT di TV dan Radio," February 12, 2016, <http://www.kpi.go.id/index.php/lihat-terkini/38-dalam-negeri/33218-kpi-larang-promosi-lgbt-di-tv-dan-radio>. In its ban on LGBT content, KPI echoed the KPAI's harmful language, calling the announced censorship "a form of protection for children and adolescents that are vulnerable to duplicating LGBT deviant behavior. Because of this, [broadcasters] can't leave room in either on television or radio [programming] that can make LGBT behavior be regarded as commonplace."

<sup>106</sup> The Indonesian Broadcast Commission, in its 2012 Guidelines for Broadcast Practice and Standard for Broadcast Programs, prohibits programs that stigmatize "people of certain sexual orientation and gender identity." According to the 2014 UNDP "Being LGBT in Asia" Indonesia country report: "There is reason to believe that this stipulation may have been the result of advocacy by LGBT organizations against programs that stigmatize LGBT people and people who express gender non-conformity."

<sup>107</sup> Komisi Penyiaran Indonesia, "KPI Larang Promosi LGBT di TV dan Radio," February 12, 2016, <http://www.kpi.go.id/index.php/lihat-terkini/38-dalam-negeri/33218-kpi-larang-promosi-lgbt-di-tv-dan-radio> (accessed July 15, 2016).

In promoting restrictions on freedom of expression and the right to information that are neither necessary nor proportionate, the KPAI and KPI were acting contrary to article 28 of the Indonesian constitution and Indonesia's obligations under article 19 of the International Covenant on Civil and Political Rights.<sup>108</sup> In its 2016 report on government protection of minorities, the Indonesian National Human Rights Commission noted that LGBT youth often seek advice about sexuality from religious leaders—a process that risks what the commission calls “symbolic violence” because society sees LGBT people as “deviant, abnormal, sick, or uncivilized and immoral.”<sup>109</sup>

The February 12 KPI ban targeted “broadcasts in which LGBT campaigns are presented on screen.” KPI's central commissioner reiterated that the ban was a “form of protection for children and adolescents that are vulnerable to duplicating LGBT deviant behavior.”<sup>110</sup> A member of a regional body of KPI told Human Rights Watch that after KPI issued the ban, she inquired with the central office in Jakarta what “promotion” meant. “They responded: ‘if LGBT topics are on TV, it is promotion.’ So that means it is everything,” she said.<sup>111</sup> “The discussion within KPI is extremely elementary—they actually talk about how they want to shield children from those four letters, L, G, B, and T. They're afraid of an acronym,” she said.<sup>112</sup>

Then during a debate on March 3, Commission I of the People's Representative Council recommended that the Ministry of Information and Communication draft a law that would

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<sup>108</sup> Human Rights Watch wrote to KPAI on February 26 to outline how the commission's statements ran contrary to its mandate and Indonesia's human rights obligations. See Appendix 4 for the letter.

<sup>109</sup> Komnas HAM, “Upaya Negara Menjamin Hak-Hak Kelompok Minoritas di Indonesia (Sebuah Laporan Awal),” <https://gayanusantara.or.id/portfolio/indonesia-dan-hak-minoritas/> (accessed July 15, 2016).

<sup>110</sup> “KPI Larang Promosi LGBT di TV dan Radio,” <http://www.kpi.go.id/index.php/lihat-terkini/38-dalam-negeri/33218-kpi-larang-promosi-lgbt-di-tv-dan-radio>; On February 17, Indonesia's Ministry of Information banned the website Tumblr due to “pornographic content”—a ministry official told reporters this ban included non-pornographic material related to LGBT-related content. Kementerian Komunikasi dan Informatika, “Siaran Pers Tentang Klarifikasi Kemkominfo mengenai Rencana Pemblokiran Situs Tumblr,” February 17, 2016, [http://kominfo.go.id/index.php/content/detail/6808/Siaran+Pers+No.20-PIH-KOMINFO-2-2016+tentang+Klarifikasi+Kemkominfo+mengenai+Rencana+Pemblokiran+Situs+Tumblr/o/siaran\\_pers#.Vs29p\\_krLcs](http://kominfo.go.id/index.php/content/detail/6808/Siaran+Pers+No.20-PIH-KOMINFO-2-2016+tentang+Klarifikasi+Kemkominfo+mengenai+Rencana+Pemblokiran+Situs+Tumblr/o/siaran_pers#.Vs29p_krLcs) (accessed July 13, 2016); *Jakarta Post*, “Tumblr to be blocked in Indonesia due to pornography, LGBT content: Govt,” February 18, 2016, <http://www.thejakartapost.com/news/2016/02/18/tumblr-be-blocked-indonesia-due-pornography-lgbt-content-govt.html> (accessed July 13, 2016).

<sup>111</sup> Human Rights Watch interview with Kartika R., location withheld, March 5, 2016.

<sup>112</sup> This was not the first time the Indonesian government had censored LGBT-related content. In February 2012, the International Gay and Lesbian Human Rights Commission (now OutRight Action International) reported that its website had been banned by two of Indonesia's major internet service providers, Telkomsel and IM2. OutRight Action International, “IGLHRC Website Banned: Indonesia Labels LGBT Advocacy Site Pornographic,” February 1, 2012, <https://www.outrightinternational.org/content/iglhrc-website-banned> (accessed July 12, 2016).

cancel content related to LGBT people. The parliamentary commission, which is responsible for defense, foreign affairs, and information, stated its support for “measures for the [KPI] to tighten controls over broadcasting LGBT-related content, as well as sanctioning strict punishment for violation of LGBT content delivery.” Specifically, Commission I recommended that the ministry and KPI “close the online sites that promote and propagate Lesbian, Gay, Bisexual and Transgender (LGBT) content and make regulations for the aforementioned.” The Ministry of Information and Communication publicly indicated its intent to comply with these recommendations.<sup>113</sup> On February 23, the ministry also announced its own guidelines barring broadcasters from showing men wearing “feminine dress” or speaking in a feminine manner.<sup>114</sup>

### *The Ill-Informed Intervention of Prominent Psychiatrists*

On February 16, Dr. Fidiansjah, a psychiatrist and the mental health director at Indonesia’s Ministry of Health stated during a live television program that homosexuality and bisexuality were “psychiatric disorders,” and it was the job of mental health professionals to treat LGBT people.<sup>115</sup>

Then on February 19, the Indonesian Psychiatrists Association (PDKSJI) issued a notice stating that “people who are homosexual and bisexual are categorized as people with psychiatric problems” and “a person who is transsexual is categorized as a person with a mental disorder.”<sup>116</sup> These statements are contrary to international medical practices, as detailed below, and are dangerous in that they can easily be used to fuel stigmatization and human rights abuse.<sup>117</sup>

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<sup>113</sup> *The Jakarta Post*, “Government drafts ban on LGBT websites,” March 5, 2016, <http://www.thejakartapost.com/news/2016/03/05/government-drafts-ban-lgbt-websites.html> (accessed July 15, 2016).

<sup>114</sup> Komisi Penyiaran Indonesia, “Edaran kepada Seluruh Lembaga Penyiaran Mengenai Pria yang Kewanitaan,” February 23, 2016, <http://www.kpi.go.id/index.php/lihat-sanksi/33267-edaran-kepada-seluruh-lembaga-penyiaran-mengenai-pria-yang-kewanitaan> (accessed March 8, 2016). Human Rights Watch wrote to the Ministry of Information to urge the government to reject Commission I’s call and repeal the discriminatory decrees already issued by KPI. Human Rights Watch, “Letter on Free expression and LGBT people in Indonesia,” March 9, 2016, <https://www.hrw.org/news/2016/03/09/human-rights-watch-letter-free-expression-and-lgbt-people-indonesia> (accessed July 13, 2016).

<sup>115</sup> *Kabar LGBT*, “dr. Fidiansjah diminta mengoreksi ucapan kelirunya yang semakin mengekalkan kebencian terhadap LGBT,” February 20, 2016, <https://kabarlgbt.org/2016/02/20/dr-fidiansyah-diminta-mengkoreksi-ucapan-kelirunya-yang-semakin-mengekalkan-kebencian-terhadap-lgbt/> (accessed July 13, 2016).

<sup>116</sup> The notice references Law No. 18/2014 on Mental Health and Guidelines for the Classification of Mental Disorder Diagnosis (PPDGJ)-III, which draws a distinction between “people with psychiatric problems” and “people with mental disorders.”

<sup>117</sup> See Appendix 5 for the letter.

On March 24, Dr. Fidiansjah issued a statement to the media apologizing for any trouble his statements about homosexuality had caused people, but at the same time standing behind his assertions that LGBT identities were “psychiatric and mental disorders.”<sup>118</sup> Fidiansjah’s explication of his position relied on a disturbing interpretation of nationalism, and uninformed religious beliefs about the ability to “cure” homosexuality. He said:

[W]e must remain resolute [to] consistently convey this truth in order to enlighten and educate the public towards the ideals of a sovereign nation above the basic foundation of the State of Pancasila and the 1945 Constitution.... Allah Almighty Supreme and Supreme Perfect Cure would always give relief to His servants who wish to return to nature.<sup>119</sup>

According to a March 24 *Jakarta Post* report, Minister of Health Nila Moeloek said she would investigate Dr. Fidiansjah’s comment. During a meeting with Human Rights Watch on April 12, however, the minister denied any knowledge of Dr. Fidiansjah’s comments.<sup>120</sup>

International mental health bodies and a growing number of national mental health professional associations around the world have developed non-discrimination policies with regard to treatment for LGBT people.<sup>121</sup> For example, the World Psychiatric Association

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<sup>118</sup> *Rappler*, “Dokter yang sebut LGBT penyakit jiwa minta maaf,” March 24, 2016, <http://www.rappler.com/indonesia/126952-fidiansyah-minta-maaf-lgbt-penyakit-jiwa> (accessed July 13, 2016).

<sup>119</sup> *Ibid.*

<sup>120</sup> *The Jakarta Post*, “Government to probe psychiatrist for false LGBT claim,” March 24, 2016, <http://www.thejakartapost.com/news/2016/03/24/government-probe-psychiatrist-false-lgbt-claim.html> (accessed July 13, 2016).

<sup>121</sup> These include national mental health organizations in Turkey, Lebanon, Hong Kong, Thailand, India, South Africa, Brazil, the Philippines, and Argentina. See Turkish Psychological Association Ethics Code, April 18, 2004; Statement from the Lebanese Psychiatric Society Executive Committee, July 2013, <http://static1.squarespace.com/static/52567f12e4b02768cf839a59/t/567bd7c8a128e603ba937910/1450956744013/LPS+homosexuality+-+revised+2015.pdf> (accessed July 15, 2016); Division of Clinical Psychology, Hong Kong Psychological Society, “Position Paper for Psychologists Working with Lesbian, Gay, and Bisexual Issues,” August 1, 2012; Department of Mental Health, Ministry of Public Health, Kingdom of Thailand, “Issuing an Academic Affirmation on Homosexuality,” January 29, 2002, <http://www.sapaan.org/article/39.html> (accessed July 15, 2016); Clinical Practice Guideline in Management of Gender Dysphoria and Transsexualism 2009, Royal College of Psychiatrists of Thailand, September 18, 2009; T.S. Sathyanarayana Rao and K.S. Jacob, “Homosexuality and India,” *Indian Journal of Psychiatry* 54(1) (2012): 1-3., and see: Indian Express, “Homosexuality not an illness: health professionals to SC,” February 16, 2011, <http://archive.indianexpress.com/news/homosexuality-not-an-illness-health-professionals-to-sc/750770/>; Psychological Association of the Philippines, “Statement of the Psychological Association of the Philippines on Non-Discrimination Based on Sexual Orientation, Gender Identity and Expression,” available at <http://www.pap.org.ph/?ctr=page&action=resources>; Psychological Society of South Africa, “Sexual and Gender Diversity Position Statement,” final draft of June 7, 2013; Federal Council of Psychology, Resolution 001/99 (Mar. 22, 1999), [http://site.cfp.org.br/wp-content/uploads/1999/03/resolucao1999\\_1.pdf](http://site.cfp.org.br/wp-content/uploads/1999/03/resolucao1999_1.pdf) (original text in Portuguese) (accessed July 15, 2016); National Mental

(WPA), of which PDKSJI is a member, has stated that “it has been decades since modern medicine abandoned pathologising same-sex orientation and behavior” and reiterated that, “[p]sychiatrists have a social responsibility to advocate for a reduction in social inequalities for all individuals, including inequalities related to gender identity and sexual orientation.” WPA concluded:

There is no sound scientific evidence that innate sexual orientation can be changed. Furthermore, so-called treatments of homosexuality can create a setting in which prejudice and discrimination flourish, and they can be potentially harmful. The provision of any intervention purporting to “treat” something that is not a disorder is wholly unethical.<sup>122</sup>

The American Psychiatric Association, which sets globally-used mental health standards in its Diagnostic and Statistical Manual, wrote directly to PDJSKI reminding them that construing homosexuality as a “mental disorder” is “simply not backed up by science” and that “there is no rational basis, scientific or otherwise, upon which to punish or discriminate against LGBT people.”<sup>123</sup>

But Fidiansjah’s comments and PDKSJI’s statement fit into a relatively popular discourse about deviance from heterosexuality in Indonesia. One researcher observed that: “in infotainment programs, as in most media in Indonesia, homosexuals are often described as ‘sick’ or ‘dangerous’ individuals.... homosexuality is commonly described as ‘penyimpangan seksual’ (sexual deviance).”<sup>124</sup>

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Health Law, Law No. 26657, Chapter 2, Article 3, as published in the *Official Gazette of the Argentine Republic*, Year CXVIII, No. 32,041 (December 3, 2010).

<sup>122</sup> World Psychiatric Association, “WPA Position Statement on Gender Identity and Same-Sex Orientation, Attraction, and Behaviours,” March 21, 2016.

<sup>123</sup> American Psychiatric Association, “Homosexuality as a Mental Disorder Simply Not Backed Up by Science,” March 8, 2016, <https://psychiatry.org/news-room/apa-blogs/apa-blog/2016/03/homosexuality-as-a-mental-disorder-simply-not-backed-up-by-science> (accessed July 13, 2016).

<sup>124</sup> Bram Hendrawan, “‘You’re crazy. Don’t make up things!’,” *Inside Indonesia*, July-September 2012, <http://www.insideindonesia.org/you-re-crazy-don-t-make-up-things-2> (accessed July 13, 2016).

Affirmation of these beliefs by mental health officials had an almost immediate negative impact. As an activist in Makassar told Human Rights Watch:

There was an article in the newspaper saying that LGBT is a mental disease. In the days following its publication we got a lot of calls from our communities—especially young people—who wanted to know whether that was true or not. They were really worried they were mentally ill.<sup>125</sup>

In chorus with KPI's and KPAI's decrees calling for censorship of LGBT-related information, Fidiansjah's and PDKSJI's assertions about LGBT mental health amplified the threat to free expression of sexual orientation and gender identity in Indonesia, including the prospect that LGBT people could end up being forcibly detained in mental hospitals and treated against their will. Under articles 20 and 21 of Indonesia's 2014 Mental Health Law, if a person with a psychosocial disability is "deemed incompetent" by a specialist psychiatrist or a medical doctor providing treatment at the time, then family members, a guardian, or a "competent authority" can approve medical treatment on the person's behalf. The law does not clarify who and what criteria would be used to determine competence.<sup>126</sup>

In a 2016 report, Human Rights Watch documented hundreds of cases of people with psychosocial disabilities in Indonesia being shackled or held in forced seclusion against their will in government-run facilities.<sup>127</sup>

Lack of legal recognition and protection has historically curtailed LGBT Indonesians' enjoyments of fundamental rights. The overt shifts in 2016 by the government toward construing sexual orientation and gender identity as "mental illnesses" further impinge on LGBT people's security, freedom of association, and freedom of expression. As a lesbian activist in South Sulawesi told Human Rights Watch: "If the government starts censoring

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<sup>125</sup> Human Rights Watch interview with Idam R., South Sulawesi, March 6, 2016.

<sup>126</sup> Ministry of Health of Republic of Indonesia, "Naskah Undang-Undang Kesehatan Jiwa Disetujui (Draft Mental Health Act Approved)," July 8, 2014, <http://www.depkes.go.id/article/view/201407200002/naskah-undang-undang-kesehatan-jiwadisetujui.html> (accessed July 15, 2016).

<sup>127</sup> Human Rights Watch, *Living in Hell: Abuses against People with Psychosocial Disabilities in Indonesia*, March 2016, <https://www.hrw.org/report/2016/03/21/living-hell/abuses-against-people-psychosocial-disabilities-indonesia>.



information, that will really harm us. It will mean that they are both creating hateful information about us, and blocking even our own access to information about ourselves.”<sup>128</sup>

### *The Influence of Religious Institutions*

On February 17, the Indonesian Ulema Council (MUI) issued a statement calling on the government to enact legislation to end “LGBT campaigning activities” in Indonesia.<sup>129</sup> MUI chairman Maruf Amin<sup>130</sup> told reporters: “We want a stern prohibition of LGBT activities and other deviant sexual activities and legislation that categorizes them as crime.... The [LGBT movement] is a potential threat to the marriage law in Indonesia that does not accept same-sex marriage.”<sup>131</sup> Around the same time, Indonesian news agencies reported that the MUI was “preparing a fatwa,” or religious edict, against LGBT people—something the institution has issued before: in early 2015 an MUI fatwa called for same-sex acts to be punished by caning up to the death penalty, and equated homosexuality with a curable disease.<sup>132</sup>

Then on February 22, 2016, the Nadhlatul Ulama (NU), Indonesia’s largest Muslim organization, issued a statement about “straying sexual behaviors and treatment.” In it, the NU said that “[LGBT people] are a form of perversion and the practice of LGBT is a desecration of human dignity,” and that “LGBT tendencies are distorted, and the people who have it should be rehabilitated.” The NU called on the government to mobilize resources for rehabilitation of LGBT people and make the process a legal requirement, and to halt the activities of all NGOs that have been “campaigning for LGBT normalization.” It also called for the government to criminalize “LGBT behaviors” and campaigns related to LGBT human rights.<sup>133</sup>

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<sup>128</sup> Human Rights Watch interview with Turasih L., South Sulawesi, March 7, 2016.

<sup>129</sup> *The Jakarta Post*, “MUI wants law to ban LGBT activities,” February 17, 2016, <http://www.thejakartapost.com/news/2016/02/17/mui-wants-law-ban-lgbt-activities.html> (accessed July 15, 2016).

<sup>130</sup> See text box “The Nadhlatul Ulama and political power in Indonesia”

<sup>131</sup> *The Jakarta Post*, “MUI wants law to ban LGBT activities,” February 17, 2016, <http://www.thejakartapost.com/news/2016/02/17/mui-wants-law-ban-lgbt-activities.html> (accessed July 15, 2016).

<sup>132</sup> Human Rights Watch, “Challenging Indonesia’s Intolerant Muslim Clerics,” March 17, 2015, <https://www.hrw.org/news/2015/03/17/dispatches-challenging-indonesias-intolerant-muslim-clerics>.

<sup>133</sup> The full statement is available in Appendix 6.

## The Nahdlatul Ulama and Political Power in Indonesia

The Nahdlatul Ulama (NU, literally, “Revival of the Muslim Scholars”) holds a unique position in Indonesian society. Claiming over 50 million members, the NU has, since its establishment in 1926, developed into an unparalleled civil, political, and religious force in Indonesia.<sup>134</sup>

Although not officially active in politics since 1984, the NU has maintained close ties to the political system, and has explicit affiliation with four political parties, including the National Awakening Party (Partai Kebangkitan Bangsa, PKB), founded by late NU president Abdurrahman Wahid (Gus Dur), who went on to serve as Indonesia’s president from 1999-2001.<sup>135</sup> As the country’s largest Islamic party and one of the top five overall, the PKB joined the coalition supporting Joko “Jokowi” Widodo’s 2014 bid for president, yielding four PKB-held ministerial positions in Jokowi’s cabinet.<sup>136</sup>

As the largest Islamic organization in the world, it straddles the country’s political, social, and cultural spheres, with widespread influence on national and local politics. The NU’s political reach and impact on public opinion are born through the numerous bodies functioning under its umbrella. It operates formal governance structures at province, district, subdistrict, and village levels; runs thousands of *pesantren*, or Islamic boarding schools; and oversees institutes in fields including healthcare, education, economics, and law. Its defined mission is “to influence the legal system and promote policies that ensure social justice and democratic order, as well as community empowerment.”<sup>137</sup>

While it principally advocates for a tolerant, pluralist expression of Islam, NU’s adherence to the ideal of nondiscrimination has been inconsistent. For example, it has failed to support the Ahmadiyah, a persecuted religious minority, and its political sway was viewed as an influential factor in the anti-Ahmadiyah decree issued by the government in 2008.<sup>138</sup> In 2014 it went on record denying the role that religious intolerance played in related violence.<sup>139</sup> Yet prior to its February 22 announcement on LGBT, it never before had released a statement that so fully contradicted its declared mission of tolerance and diversity, or so baldly targeted a specific community with dehumanizing rhetoric.

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<sup>134</sup> Joe Cochrane, “From Indonesia, a Muslim Challenge to the Ideology of the Islamic State,” *New York Times*, November 26, 2015, <http://www.nytimes.com/2015/11/27/world/asia/indonesia-islam-nahdlatul-ulama.html> (accessed May 20, 2016).

<sup>135</sup> Robin Bush, *Nahdlatul Ulama and the Struggle for Power within Islam and Politics in Indonesia* (Singapore: Institute of Southeast Asian Studies, 2009), p. 16.

<sup>136</sup> Felix Utama Kosasih, “Impact of Muhammadiyah and Nahdlatul Ulama on Indonesia,” *Global Indonesian Voices News*, August 7, 2015, <http://www.globalindonesianvoices.com/21914/impact-of-muhammadiyah-and-nahdlatul-ulama-on-indonesia> (accessed May 20, 2016).

<sup>137</sup> Bush, *Nahdlatul Ulama and the Struggle for Power within Islam and Politics in Indonesia*, pp. 14-15.

<sup>138</sup> Human Rights Watch, *In Religion’s Name: Abuses against Religious Minorities in Indonesia*, February 2013, <https://www.hrw.org/report/2013/02/28/religions-name/abuses-against-religious-minorities-indonesia>.

<sup>139</sup> Phelim Kine, “Indonesia’s growing religious intolerance,” *Open Democracy*, November 26, 2014, <https://www.opendemocracy.net/openglobalrights/phelim-kine/indonesia%E2%80%99s-growing-religious-intolerance> (accessed May 20, 2016).

As the country's largest civil society organization, the NU has received grants from international funders such as USAID and the Global Fund for the implementation of community empowerment and social service activities through its strong rural networks. In its assessment of strategies to support the mitigation of violent extremism in Indonesia, USAID asserted that the NU is "central to the success of any efforts to undertake broad-based, institutional responses to [violent extremism and insurgency]."<sup>140</sup>

The NU represents a guiding force in not only religious practice, but also civil society activism, socioeconomic development, and policymaking; as such it inhabits a unique platform from which to disseminate its stated ideology of tolerance and social justice—or, as its statement on LGBT people and activism on February 22 indicated, the reverse. In August 2015, NU congress elected Ma'ruf Amin to be its chairman.

As explained above, NU holds considerable political sway in Indonesia. Its operational capacities have been recognized by the international community. Beginning in 2013, the Global Fund supported the NU with a 3-year, 13 million dollar grant for HIV/AIDS work (the grant ended in 2015). Project outputs included the establishment of community health information centers and the provision of psychosocial support; key target populations to receive the "outreach service package" included transgender people (*waria*) and men who have sex with men (MSM).<sup>141</sup>

On March 5, the health department of the NU issued a second statement outlining the organization's public health work with sexual and gender minority populations. The health department reiterated that it agreed with the NU board insofar as "LGBT constitutes a behavior that denies human nature," but stated that its work on HIV/AIDS meant that it approached all communities based on the "principle of universal humanity." The statement emphasized, however, that the NU health division "does not make any and/or engage in campaign agendas and propaganda to fight for the recognition of LGBT existence" and requested "all parties not to politicize and take advantage of cooperation built by [the NU] for particular interests, apart from health interests."<sup>142</sup>

NU's call for criminal sanctions against LGBT people and LGBT-related activism poses a particularly insidious threat to security, freedom of association, freedom of expression, and privacy rights. The country's most powerful nongovernmental political institution is now on record openly supporting discriminatory legislation and is promoting a bogus

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<sup>140</sup> USAID, "Violent Extremism and Insurgency in Indonesia: A Risk Assessment," January 2013, [http://pdf.usaid.gov/pdf\\_docs/paoojsjj.pdf](http://pdf.usaid.gov/pdf_docs/paoojsjj.pdf) (accessed May 20, 2016).

<sup>141</sup> Aidspace, "Indonesia Global Fund HIV/AIDS Grant IND-H-NU," [http://www.aidspace.org/country\\_grant/IND-H-NU](http://www.aidspace.org/country_grant/IND-H-NU) (accessed May 20, 2016).

<sup>142</sup> The full statement is available in Appendix 7

model of “curative” intervention, positions which reject science and respect for the basic rights of LGBT people.

## A Troubling Halfway Retraction

On February 15, then-Coordinating Minister for Political, Legal, and Security Affairs Luhut Pandjaitan addressed a joint meeting between government officials and the House of Representatives. He said while he understands homosexuality to be forbidden by religion, “to me LGBT people have human rights as citizens of Indonesia.”<sup>143</sup>

Pandjaitan’s comments came as a welcome reprieve as the onslaught of anti-LGBT rhetoric was reaching fever pitch, and some media ran headlines that highlighted his apparently supportive stance. However, Pandjaitan’s comments also contained a disturbing and inaccurate construal of homosexuality. Pandjaitan went on to warn that “there is no guarantee that any normal family can avoid [having a LGBT child],” and that homosexuality “is a disease of a chromosome, and it should be treated.”<sup>144</sup>

Coming just four days before PDKSJI declared LGBT identities “mental illnesses,” Pandjaitan’s statements signaled the entrenchment of outdated and illegitimate medical models of sexual orientation and gender identity. The construal is particularly disturbing given the appalling conditions that many people with mental health conditions in Indonesia face.<sup>145</sup>

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<sup>143</sup> Kompas, “Dalam Rapat Bersama DPR, Luhut Tegaskan Negara Harus Lindungi LGBT,” February 16, 2016, <http://nasional.kompas.com/read/2016/02/16/09520051/Dalam.Rapat.Bersama.DPR.Luhut.Tegaskan.Negara.Harus.Lindungi.LGBT> (accessed July 15, 2016).

<sup>144</sup> This includes that they often end up chained or locked up in overcrowded and unsanitary institutions, without their consent, where they can face physical and sexual abuse, involuntary treatment including electroconvulsive therapy, forced seclusion, and restraint. *The Jakarta Post*, “Luhut agrees LGBTs need rights protected but says they are diseased,” February 16, 2016, <http://www.thejakartapost.com/news/2016/02/16/luhut-agrees-lgbts-need-rights-protected-says-they-are-diseased.html> (accessed July 15, 2016).

<sup>145</sup> In a 2016 report, Human Rights Watch documented hundreds of cases of people with psychosocial disabilities in Indonesia being shackled or held in forced seclusion in government-run facilities. Human Rights Watch, *Living in Hell: Abuses against People with Psychosocial Disabilities in Indonesia*, March 2016, <https://www.hrw.org/report/2016/03/21/living-hell/abuses-against-people-psychosocial-disabilities-indonesia>.

## Indonesia's Legal Obligations

In 2012 the Office of the High Commissioner for Human Rights published a guide summarizing some of the core legal obligations of states with respect to protecting the human rights of LGBT people.<sup>146</sup> They include obligations to:

- *Protect* individuals from homophobic and transphobic violence.
- *Prohibit* discrimination based on sexual orientation and gender identity.
- *Safeguard* freedom of expression, association and peaceful assembly for all LGBT people.

Indonesia is a party to several key human rights treaties and protocols setting forth many of these obligations. Relevant treaties include the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC).<sup>147</sup>

### Rights to Protection and Security

In upholding the rights to life and to security and freedom from cruel, inhuman, or degrading treatment, the International Covenant on Civil and Political Rights (ICCPR) obligates Indonesia to protect all persons within its territory or jurisdiction, including members of marginalized groups, from violence. States have the responsibility to investigate and prosecute violence, whether by state or non-state actors.<sup>148</sup> The Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) also requires that states protect women and girls from gender based violence, including violence based on discriminatory

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<sup>146</sup> “Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law,” HR/PUB/12/06, 2012 United Nations.

<sup>147</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), G.A. Res. 2200A (XXI), entered into force January 3, 1976, and International Covenant on Civil and Political Rights (ICCPR), G.A. Res. 2200A (XXI), entered into force March 23, 1976 both acceded to by Indonesia on February 23, 2006; Convention on the Elimination of Discrimination Against Women (CEDAW), adopted December 18, 1979, G.A. Res. 34/180, U.N. Doc. A/34/46, entered into force September 3, 1981, ratified by Indonesia on September 13, 1984; and the Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, ratified by Indonesia on September 5, 1990.

<sup>148</sup> ICCPR, art. 2, 7, 17. See Human Rights Committee, General Comment 31 on Article 2, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc. HRI/GEN/1/Rev.6, para 8.

stereotypes, which means states “have a due diligence obligation to prevent, investigate, prosecute and punish such acts of gender based violence.”<sup>149</sup>

In order to uphold its obligations under the ICCPR and CEDAW, Indonesia should take steps to more effectively prevent and more consistently investigate and punish attacks on members of the LGBT community in particular those motivated by hostility to their sexual orientation or gender identity.

## Freedom of Assembly

Article 21 of the ICCPR explicitly protects the right to peaceful assembly. In a 2016 report, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association specified that, “The State’s failure to protect participants in a peaceful rally against violent, fundamentalist counter-protesters, for example, constitutes a violation of the right to freedom of peaceful assembly.” The Special Rapporteur clarified: “It does not matter if the State does not officially promote the counter-protesters’ ideology; it has a positive duty to protect those exercising their right to peaceful assembly, even if they are promoting unpopular positions (e.g., rights for LGBTI persons or those of a minority religion).”<sup>150</sup>

Indonesia should ensure that LGBT people can exercise their right to peaceful assembly in safety and hold accountable police officers who refuse to protect gatherings of LGBT people from attacks regardless of whether police permission for the gathering has been given.

## Freedom of Expression

Both the KPI and KPAI decrees on the censorship of LGBT content violate Indonesia’s obligations under article 19 of the ICCPR. Censorship is also contrary to article 28 of the Indonesian constitution. The United Nations Human Rights Committee, the independent expert body that interprets the ICCPR, states in its General Comment No. 34 that “[l]aws must not violate the non-discrimination provisions” of the ICCPR, and that any limitations

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<sup>149</sup> CEDAW Art.2. See CEDAW Committee, General Recommendation No. 28 on the core obligations of states parties under article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women, UN Doc CEDAW/C/GC/28, adopted December 16 2010, para.19.

<sup>150</sup> The United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Human Rights Council Report, “Fundamentalism’s Impact On Peaceful Assembly And Association Rights,” June 2016, A/HRC/32/36.

on the right to freedom of expression “must be understood in the light of universality of human rights and the principle of non-discrimination.”<sup>151</sup>

## The Right to Access Information

For LGBT people and people questioning their gender and sexuality, including children, accurate information about sexual orientation and gender identity is vital to a healthy sense of self, the promotion of understanding among peers, and the enjoyment of the rights such as the right to health.

Indonesia’s Child Protection Law provides that children’s “rights will be protected and that they will not be subjected to discriminatory treatment” and specifically enumerates: “Every child shall be entitled to speak and have his opinions listened to, and to receive, seek and impart information.” It enshrines that: “The protection of children shall be based upon Pancasila (the national ideology), the 1945 Constitution and the basic principles contained in the Convention on the Rights of the Child, including the following: a. Non-discrimination; b. The best interests of the child; c. The right to life, continuity of life and to develop; d. Respect for the opinions of children.”<sup>152</sup>

The right to access information, set forth in article 19 of the ICCPR, is interconnected with other rights, including the right to health. The United Nations Special Rapporteur on the right to education noted in 2010 that sexuality, health, and education are “interdependent rights,” explaining, “We must be able to look after our health, deal positively, responsibly, and respectfully with our sexuality, and must therefore be aware of our needs and rights.”<sup>153</sup> The World Health Organization makes clear that “sexual health cannot be defined, understood or made operational without a broad consideration of sexuality, which underlies important behaviors and outcomes related to sexual health,” and includes in its definition of sexuality “sex, gender identities and roles, [and] sexual orientation.”<sup>154</sup>

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<sup>151</sup> UN Human Rights Committee, General Comment No. 34 on Article 19: Freedoms of opinion and expression, CCPR/C/GC/34, September 12, 2011, paras. 26 and 32.

<sup>152</sup> Indonesia: Law of the Republic of Indonesia Number 23 of 2002 on Child Protection [Indonesia], October 22, 2002, available at: <http://www.refworld.org/docid/54eef1e04.html> (accessed July 13, 2016)

<sup>153</sup> Report of the United Nations Special Rapporteur on the right to education, July 23, 2010, A/65/162, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/462/13/PDF/N1046213.pdf?OpenElement> (accessed February 10, 2016).

<sup>154</sup> World Health Organization. “Developing sexual health programmes: A framework for action,” 2010: [http://whqlibdoc.who.int/hq/2010/WHO\\_RHR\\_HRP\\_10.22\\_eng.pdf?ua=1](http://whqlibdoc.who.int/hq/2010/WHO_RHR_HRP_10.22_eng.pdf?ua=1) (accessed February 10, 2016).

The right to information includes information about sexual orientation and gender identity. The UN Committee on the Rights of the Child, the independent expert body that monitors and interprets the Convention on the Rights of the Child, has urged governments to repeal laws that restrict LGBT information and “ensure that children who belong to LGBTI groups or children of LGBTI families are not subjected to any forms of discrimination by raising the awareness of the public on equality and non-discrimination based on sexual orientation and gender identity.”<sup>155</sup>

The UN Economic, Social, and Cultural Rights Committee has said that the right to health is linked to other rights, including the rights to “privacy, access to information, and the freedoms of association, assembly, and movement”—rights that are jeopardized when violence or the threat of violence, as documented in this report, impedes health care workers, LGBT activists, and others from coming together to share information about HIV and sexual health.<sup>156</sup> The right to health specifically includes “access to health-related education and information, including on sexual and reproductive health.”<sup>157</sup> The right to the highest attainable standard of health is guaranteed under the ICESCR and CEDAW.<sup>158</sup> Governments may not discriminate on the basis of sexual orientation or gender identity in upholding the right to health.<sup>159</sup>

Censoring information about LGBT lives can have harsh consequences, including by fostering stigma that can drive violence, abuse, and poor mental health outcomes. In a 2015 statement by 12 United Nations agencies—including the UN Children’s Fund, UNICEF—governments are urged to uphold their human rights obligations by “[p]rohibiting discrimination against LGBTI adults, adolescents and children in all contexts—including in education, employment, healthcare, housing, social protection, criminal justice and in

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<sup>155</sup> UN Committee on the Rights of the Child, Concluding observations on the combined fourth and fifth periodic reports of the Russian Federation, January 31, 2014, CRC/C/RUS/CO/4-5, [http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/RUS/CRC\\_C\\_RUS\\_CO\\_4-5\\_16305\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/RUS/CRC_C_RUS_CO_4-5_16305_E.pdf) (accessed July 18, 2016).

<sup>156</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000): The right to the highest attainable standard of health, para. 3.

<sup>157</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000): The right to the highest attainable standard of health, para. 11.

<sup>158</sup> ICESCR art. 12; CEDAW art. 12.

<sup>159</sup> See UN Committee on Economic, Social and Cultural Rights, General Comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), July 2, 2009, para. 32. While art. 12 guarantees the right to health, art. 2(2) protects individuals from discrimination in the application of all rights guaranteed by the covenant. General Comment 20 clarifies that discrimination is prohibited on the basis of sexual orientation and gender identity.



asylum and detention settings,” and “[c]ombating prejudice against LGBTI people through dialogue, public education and training.”<sup>160</sup> UNICEF has said that rather than blocking information about LGBT lives from children, governments should “repeal laws that entrench such discrimination, and in particular those that criminalize...‘promotion’ of homosexuality, or the association of LGBT children and individuals.”<sup>161</sup>

In May 2016, the UN Committee on the Rights of the Child was joined by a group of UN human rights experts, the Inter-American Commission on Human Rights, the African Commission on Human and Peoples’ Rights and the Commissioner for Human Rights of the Council of Europe urge Governments worldwide to reform medical classifications and to adopt measures to prevent all forms of forced treatments and procedures on LGBT persons. The statement read: “We welcome progress in the depathologization of same-sex attraction since the World Health Organization stopped treating homosexuality as an illness and removed it from the International Classification of Diseases twenty six years ago, but we remain concerned that homosexuality continues to be pathologized by some national medical associations.”<sup>162</sup>

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<sup>160</sup> Office of the High Commissioner for Human Rights, joint statement, “United Nations entities call on States to act urgently to end violence and discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) adults, adolescents and children,” September 2015, [http://www.ohchr.org/Documents/Issues/Discrimination/Joint\\_LGBTI\\_Statement\\_ENG.PDF](http://www.ohchr.org/Documents/Issues/Discrimination/Joint_LGBTI_Statement_ENG.PDF) (accessed February 10, 2016).

<sup>161</sup> UNICEF, “Eliminating Discrimination Against Children And Parents Based On Sexual Orientation And/Or Gender Identity,” November 2014, [http://www.unicef.org/videoaudio/PDFs/Current\\_Issues\\_Paper-\\_Sexual\\_Identification\\_Gender\\_Identity.pdf](http://www.unicef.org/videoaudio/PDFs/Current_Issues_Paper-_Sexual_Identification_Gender_Identity.pdf) (accessed July 18, 2016).

<sup>162</sup> Office of the High Commissioner for Human Rights, “Pathologization – Being lesbian, gay, bisexual and/or trans is not an illness,” <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19956&LangID=E#sthash.Sy1RxRoJ.dpuf> (accessed July 18, 2016).

## The Path Forward

It's not the government's job to interfere in our private lives by censoring social media and things like that. The government needs to realize we are not being provocative or asking for same-sex marriage, we are asking for very basic freedoms, privacy, and safety.

—A 33-year-old gay man in South Sulawesi

When Minister Nasir's January 24 comment opened the floodgates to an unprecedented stream of abuse-filled government rhetoric directed at LGBT people and organizations, it exposed the fragility of the environment in which activists and sexual and gender minorities live and work—and their resilience. Since February, NGOs have filed a number of complaints against the high-level officials involved in the surge of anti-LGBT rhetoric and policymaking, and activists have worked to gain support from other important rights actors in Indonesia. Almost immediately after Nasir's comment, the National Commission on Violence against Women condemned anti-LGBT rhetoric from government officials, and the National Human Rights Commission denounced the statements in early February.<sup>163</sup>

On February 5, when the anti-LGBT rhetoric was still in its early stages, Indonesia's National Human Rights Commission said that statements such as Minister Nasir's are not in line with the Jokowi administration's Nawa Cita doctrine, which affirms Indonesia's pluralism. The last of the nine Nawa Cita principles includes calls for tolerance, diversity education, and creation of space for dialogue among citizens.<sup>164</sup>

While the cacophony had died down by April, some individuals continued to pursue anti-LGBT campaigns—demonstrating the need for the government's swift action to combat, rather than contribute to, anti-LGBT bias. In July 2016, a group of 12 scholars led by Euis

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<sup>163</sup> KomnashAM, "Siaran Pers Pernyataan Sikap Komnas HAM Atas Situasi Yang Dialami Komunitas LGBT," February 4, 2016, <http://www.komnasham.go.id/kabar-latuhary/siaran-pers-pernyataan-sikap-komnas-ham-atas-situasi-yang-dialami-komunitas-lgbt> (accessed March 8, 2016); *Jakarta Post*, "Protect rights of LGBTIQ, civic groups tell govt," January 28, 2016, <http://www.thejakartapost.com/news/2016/01/28/protect-rights-lgbtq-civic-groups-tell-govt.html> (accessed March 8, 2016).

<sup>164</sup> *Jakarta Post*, "Komnas HAM slams vilification of LGBT by officials," February 5, 2016, <http://www.thejakartapost.com/news/2016/02/05/komnas-ham-slams-vilification-lgbt-officials.html#sthash.xRWYvQPu.dpuf> (accessed February 10, 2016).

Sunarti, a professor at Bogor Agricultural University, petitioned the Constitutional Court to declare that all LGBT people should be placed in prison for 5 years for violating Indonesia's penal code. At the time of publication, a fifth hearing was scheduled for August 23<sup>rd</sup>, 2016.<sup>165</sup>

## Recommendations

### To President Joko Widodo

- Publicly condemn all major incidents of anti-LGBT violence that occur in Indonesia, including attacks on individuals, organizations, or gatherings;
- Publicly acknowledge the scope and gravity of the problem of violence and harassment against LGBT people in Indonesia, and commit to taking steps to end these abuses;
- Instruct government officials not to make public statements that target lesbian, gay, bisexual, or transgender people in a discriminatory or otherwise abusive manner.

### To the Ministry of Justice and Human Rights

- Review all district and provincial by-laws to ensure that they conform to constitutional guarantees and Indonesia's international human rights obligations on non-discrimination and respect for individuals' private life, including their sexual or gender identity.

### To the Ministry of Home Affairs

- Order all provincial, district, and municipal governments to repeal all discriminatory by-laws that violate international standards or contravene the Indonesian constitution;
- In consultation with NGOs, develop non-discrimination training for all police forces across the country, including training on sexual and gender diversity.

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<sup>165</sup> Hans Nicholas Jong, "Gay Sex May Be Outlawed," *Jakarta Post*, July 3, 2016, <http://www.thejakartapost.com/news/2016/08/03/gay-sex-may-be-outlawed.html> (accessed July 3, 2016).

### **To the Ministry of Health**

- Ensure that all training for doctors, nurses, and other health workers address non-discrimination and sexual health issues affecting LGBT people;
- Publicly reject the assertion of the Indonesian Psychiatric Association that homosexuality and “transgenderism” are mental health conditions;
- In collaboration with NGOs representing sexual and gender minorities, create guidelines for mental health service providers based on the principles of non-discrimination that acknowledge that differences in sexual orientation and gender identity are natural aspects of human life;
- Prohibit the forcible detention and treatment of anyone in a purported effort to “cure” them of homosexuality, bisexuality, or transgender identity, and rigorously enforce the prohibition;
- Undertake a comprehensive review of health-related funding disbursed to religious organizations to ensure that they uphold constitutionally-protected non-discrimination standards.

### **To the National Child Protection Commission**

- Immediately and publicly reverse the commission’s February 1 statement on “LGBT propaganda” and reject the KPI’s ban on LGBT rights broadcasts.
- Work with KPI to issue a directive that ensures that broadcasting regulations do not restrict the fundamental rights and freedoms of any group, including LGBT people.
- Publicly reaffirm the commission’s mandate to protect all children, regardless of their sexual orientation or gender identity, or that of their parents.

### **To the Ministry of Communication and Informatics**

- Immediately and publicly reverse the Indonesian Broadcasting Commission’s February 12 ban on LGBT-related broadcasts;
- Publicly oppose the call of House of Representatives Commission I for laws censoring LGBT-related information and refuse to participate in drafting any such laws;

### **To the United Nations and Indonesia's other Development Partners**

- Review all grants to the Indonesian government and non-governmental organizations, including religious organizations, to ensure that all recipients of funding uphold principles of non-discrimination;
- Investigate all grantees who make discriminatory statements or against whom reports of discrimination or abuse have been made to ensure services are provided to all populations free from fear;
- Urge Indonesia to protect the rights to freedom of expression and assembly, including by urging police to protect gatherings of marginalized groups that come under threat;
- Communicate with civil society partners about security protocols and resources that are available in times of crisis, and commit to defending groups and individuals who are threatened or violently attacked.

## Acknowledgments

Kyle Knight, researcher in the LGBT Program, wrote this report based largely on research he and Andreas Harsono, senior Indonesia researcher, conducted between September 2015 and March 2016. Asia associate Shayna Bauchner researched and wrote some sections of the report. Aron LeFevre, intern in the LGBT rights program, assisted with desk research throughout the project.

Graeme Reid, LGBT director, and Phelim Kine, deputy Asia director, edited the report. Diederik Lohman, acting health and human rights director, Kriti Sharma, disability rights researcher, and Aruna Kayshap, women's rights researcher, reviewed the report. Aisling Reidy, senior legal advisor and Joseph Saunders, deputy program director, provided additional reviews.

Paul Smith, coordinator in the US program; Olivia Hunter, publications associate; and Fitzroy Hepkins, administrative manager, provided production assistance.

Human Rights Watch would like to thank Yuli Rustinawati and her colleagues at Arus Pelangi who helped coordinate the research for this report, as well Dédé Oetomo and the dozens of LGBT Indonesians who shared their stories with us.

# Appendix 1: Letter from Bireuen Government Department of Sharia Islam

**Bireuen Government**

**Department of Sharia Islam**

**Jalan Sultan Malikussaleh Cot Gapu Bireuen 24151**

**Telephone (0644) - 5353042, Fax (0644) - 5353042**

Bireuen, 07 March 2017

*27 Jumada al-awwal<sup>1</sup> 1437H*

**Number:** 451.48 / 149 / 2016

**Attachment:** 1 (One) page

**Nature:** Immediate

**Subject:** Letter of Notification

**Dear:**

Charman of DIVO Salon

in-

Location

1. In accordance with Bireuen Instruction Number: 1 / INSTR / 2016, 5 January 2016 on Controlling Cafes, Restaurants, Salons / Barbers, Internet Services and Hotels / Lodging in Bireuen, the workforce at Salons / Barbers should dress in accordance with the norms and Sharia rules that are listed in *Salam Qur'an* and the Hadith of the Prophet:

- a. *Adab* (etiquette) dress in accordance with Sharia Islam as in *Surah At-Tin* (95): 4 – 6

**Meaning (*translation of Arabic script*):**

*"Verily, We created man in the best possible way, then We reduced him to the lowest of the low, (except) those people who believe in and undertake righteous deeds; then the rewards for those are endless."*

- b. Cover the *Aurat* (human nakedness) by fulfilling the criteria for ethics and aesthetics as stated within *Surah Al-Araf* (7): 26

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<sup>1</sup> *Jumada al-awwal* is the fifth month of the Islamic calendar.

**Meaning (translation of Arabic script):**

*“O’ Children of Adam! We have sent down clothing to cover your nakedness, beautiful clothing and jewelry. And this is pious clothing that is exceedingly good. Such is a sign of a supporter of Allah, hopefully they will always remember.”*

- c. One may not imitate the opposite sex, as in the tradition of the Hadith of the Prophet and *Ibn Abbas* narrated by Bukhari no. 5885, 6834

**Meaning (translation of Arabic script):**

*“The Prophet, peace be upon him, cursed men who imitate women and women who resemble men.”*

- 2. Ask that brothers and sisters do not to give any employment opportunities for Lesbian, Gay, Bisexual and Transgender (LGBT) in salons / barbers that our brothers and sisters manage.
- 3. Request that relatives do not employ *Konsa* and Transgender as mentioned in the Hadith and in Point C.
- 4. If you do not adhere to the aforementioned strikes, action will be taken by the competent authorities.
- 5. Thus we submit, We thank you for your good cooperation.

**Head of Department of Sharia Islam**

**Bireuen District,**

**H, Jufliwani, SH., MM**

**Pembima Tk**

**NIP 19660821 199103 1 001**



Copy:

1. Bapak Bupati Bireuen reports.
2. Head of the Satpol PP (Municipal Police) and WH Bireuen.

## Appendix 2: Correspondence with UNDP

**From:** Nadia Rasheed <XXXXXXXXXX>  
**Sent:** Monday, June 20, 2016 7:29 AM  
**To:** Graeme Reid <XXXXXXXXXX> ; Phelim Kine <XXXXXXXXXX>  
**Cc:** Mandeep Dhaliwal <XXXXXXXXXX>  
**Subject:** RE: Follow-up questions from meeting

Dear colleagues,

Kindly find below responses to the follow-up questions.

With kind regards,  
Nadia

**As the LGBT rights situation deteriorated in Indonesia from January 2016, what were the measures UNDP took to ensure security of and communication with local partners, particularly those the agency engaged through the 'Being LGBTI in Asia' program, during the meltdown?**

In early February 2016, UNDP held discussions with programme partners across government and with the National Human Rights Commission on the LGBT issue in Indonesia, including security concerns. We coordinated with regional offices of UNAIDS, UNFPA and OHCHR to monitor the situation, and minimized comments due to the sensitive situation.

**What is the future of the Being LGBT in Asia program in Indonesia?**

Please see response below

**As reported in the Jakarta Post and elsewhere, UNDP was directly drawn into the crisis when Vice President Jusuf Kalla requested the agency cease its LGBT activities. At the moment, our report cites media reports. What can UNDP clarify about the arguments the government put forward for such a cessation of LGBT programming and by whom those arguments were made?**

Following discussions with the Indonesian Government, and taking into account the prevailing security concerns, UNDP suspended activities of the regional initiative in Indonesia at this time. In keeping with the UN's goals, UNDP is committed to reducing inequalities and ending exclusion, and continues to advocate for all people to have an equal right to live healthy lives free from violence, persecution, stigma and discrimination. The regional Being LGBTI in Asia initiative continues to be implemented regionally in a number of countries.

**From:** Graeme Reid <XXXXXXXXXX>  
**Sent:** Friday, May 27, 2016 9:48 PM  
**To:** Nadia Rasheed <XXXXXXXXXX> ; Phelim Kine <XXXXXXXXXX>  
**Cc:** Mandeep Dhaliwal <XXXXXXXXXX> ; Clifton Cortez <XXXXXXXXXX> ; Suki Beavers <XXXXXXXXXX> ; Boyan Konstantinov <XXXXXXXXXX>  
**Subject:** RE: Follow-up questions from meeting

Dear Nadia,

Thank you for your e-mail. We would appreciate a response by June 20<sup>th</sup>, which will enable us to include your response in our forthcoming report.

All the best,

Graeme

**From:** Nadia Rasheed <XXXXXXXXXX >  
**Sent:** Friday, May 27, 2016 5:17 AM  
**To:** Graeme Reid <XXXXXXXXXX > ; Phelim Kine <XXXXXXXXXX >  
**Cc:** Mandeep Dhaliwal <XXXXXXXXXX > ; Clifton Cortez <XXXXXXXXXX > ; Suki Beavers <XXXXXXXXXX > ; Boyan Konstantinov <XXXXXXXXXX >  
**Subject:** RE: Follow-up questions from meeting

Dear Graeme and Phelim,

Thank you sharing the questions. Could you kindly let me know how soon you would need responses. We will consult with relevant colleagues and get back to you as early as possible.

Best regards,  
Nadia

**From:** Graeme Reid <XXXXXXXXXX >  
**Sent:** Friday, May 20, 2016 12:09 AM  
**To:** Nadia Rasheed <XXXXXXXXXX > ; Mandeep Dhaliwal <XXXXXXXXXX > ; Phelim Kine <XXXXXXXXXX >  
**Cc:** Clifton Cortez <XXXXXXXXXX > ; Suki Beavers <XXXXXXXXXX > ; Boyan Konstantinov <XXXXXXXXXX >  
**Subject:** Follow-up questions from meeting

Dear Nadia and colleagues:

Thank you for taking the time to meet with Human Rights Watch regarding our concerns in Indonesia. We are preparing a report on the "LGBT crisis" of 2016, which we plan to release in late July. We remain in close contact with Indonesian civil society to ensure that our document reflects the unfolding situation and their advocacy activities.

So that we can reflect UNDP's position accurately in our reporting, it would be helpful to receive official responses to the following queries:

- 1) As the LGBT rights situation deteriorated in Indonesia from January 2016, what were the measures UNDP took to ensure security of and communication with local partners, particularly those the agency engaged through the 'Being LGBTI in Asia' program, during the meltdown?
- 2) What is the future of the Being LGBT in Asia program in Indonesia?

3) As reported in the Jakarta Post and elsewhere, UNDP was directly drawn into the crisis when Vice President Jusuf Kalla requested the agency cease its LGBT activities. At the moment, our report cites media reports. What can UNDP clarify about the arguments the government put forward for such a cessation of LGBT programming and by whom those arguments were made?

Kind regards,

Graeme and Phelim

Graeme Reid  
Director  
Lesbian, Gay, Bisexual, and Transgender Rights Program  
Human Rights Watch  
350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
Tel: XXXXXXXXXX (mobile)  
XXXXXXXXXX (direct)  
XXXXXXXXXX (main)  
Email:XXXXXXXXXX  
Twitter: @Graemecreid

**From:** Nadia Rasheed <XXXXXXXXXX >  
**Sent:** Thursday, May 19, 2016 8:55 AM  
**To:** Mandeep Dhaliwal <XXXXXXXXXX >; Graeme Reid <XXXXXXXXXX >; Phelim Kine <XXXXXXXXXX >  
**Cc:** Clifton Cortez <XXXXXXXXXX >; Suki Beavers <XXXXXXXXXX >; Boyan Konstantinov <XXXXXXXXXX >  
**Subject:** RE: introductions

Dear Mandeep and colleagues,

Thank you so much for the kind introductions and I look forward to following up on your discussions in New York.

With best regards,  
Nadia



50  
YEARS

**Nadia Rasheed**

Team Leader, HIV, Health & Development, Asia-Pacific  
Bangkok Regional Hub  
United Nations Development Programme  
3<sup>rd</sup> Floor United Nations Service Building  
Rajdamnern Nok Avenue, Bangkok 10200, Thailand

[XXXXXXX@undp.org](mailto:XXXXXXX@undp.org) <XXXXXXXXXX>

Tel.: <XXXXXXXXXX>

Skype: nadia.rasheed

Twitter: NadiaRashd

<http://asia-pacific.undp.org> Follow us:



*Empowered lives. Resilient nations.*

**From:** Mandeep Dhaliwal

**Sent:** Tuesday, May 17, 2016 1:49 AM

**To:** <XXXXXXXXXX>; <XXXXXXXXXX>

**Cc:** Nadia Rasheed <XXXXXXXXXX>; Clifton Cortez <XXXXXXXXXX>; Suki Beavers

<XXXXXXXXXX>; Boyan Konstantinov <XXXXXXXXXX>

**Subject:** introductions

Dear Phelim and Graeme

It was a great pleasure to meet you on 5 May. As discussed, I am copying in Nadia Rasheed, Regional Team Leader, HIV, Health and Development based in Bangkok. Her team leads UNDP's LGBTI inclusion work in the Asia-Pacific region. I am also copying Clif Cortez, the global lead on LGBTI inclusion and his team. Clif and team are based in NY.

Dear Nadia and Clif

Phelim Kine is the Human Rights Watch, Deputy Director for Asia and Graeme Reid is the Human Rights Watch, LGBT Programme Director.

Regards,

Mandeep

## Appendix 3: Press Release from AM-FUI

PRESS RELEASE:

JOINT ACTION AROUND THE ELEMENTS OF LGBT REJECTION  
ORMAS & LAKSAR ISLAM YOGYAKARTA  
YOGYAKARTA, 23 FEBRUARY 2016

Through observing the development of the movement of perpetrators and supporters of LGBT (Lesibian, Gay, Bisexual & Transgender) which is increasing in widespread circulation, as well as the opinion war between the pros and cons of the damned and the heretical teachings; you, the Angkatan Muda Forum Ukhuwah Islamiyah (AMFUI) are the Amar Ma'ruf Nahi Munkar movements and organisations front guard, as well as all elements of the Islamic Army which is therein incorporated and agreed stating:

1. ***REJECT ANY LGBT (LESBIAN, GAY, BISEXUAL, TRANSGENDER) MOVEMENTS***

who were asking for the protection of the State by legislation on a healthy existence that is again a misleading, distortion of human nature, and contrary to the Koran and Sunnah, as well as deviating from the Constitution and State Indonesian Law.

2. Support all the efforts of people who refuse and are part of the anti-legalization movement against the legalization of the LGBT movement.

3. Demanding Government agencies, Police, Military, municipal governments, and all relevant agencies to conduct a concerted effort in order to eradicate the LGBT disease.

4. LGBT is an evil attempt of the enemies of religion and nation to shatter the country's moral social order and to distance the public from the spiritual values of religion. Thus, AM-FUI will be firm and take protective measures for the communities from LGBT influence if they were to deploy amoral behaviours worse than animals, then report it to the authorities. If there are no firm actions of the State apparatus to nurture or punish him (LGBT actors), we will enact what has been prescribed though Islam by penalties of burning,

stoning, or the imposition of the highest punishment to the perpetrators of LGBT.

5. The LGBT movement and its supporters are very threatening to morality and national identity. Therefore, we together as Ulama' and the Yogyakarta Muslims call upon all moral society in Indonesia to prohibit the existence of the LGBT movement, keeping the relatives of the SODOM culture (LGBT actors) that Allah Ta'ala has destroyed thousands of years ago, and urge the Indonesian government **COMBAT THE MOVEMENT OF LESBIAN, GAY, BISEXUAL AND TRANSGENDER / LGBT** which, notabene, is an *underbow* International Freemason Zionist movement.
6. To make calls for the LGBT perpetrators to immediately repent to Allah Ta'ala, returning to human nature, to live a normal life with Islamic law as true, and we are ready to facilitate the developments for an LGBT who wants healing.

Thus is our statement, hopefully understood concerning related parties we have mentioned above. May Allah always bless us all in the struggle to speak the truth.

Yogyakarta, 23 February 2016

Angkatan Muda Forum Ukhuwah Islamiyah (AM-FUI) Yogyakarta

## Appendix 4: Letter to the Indonesian Child Protection Commission

### ASIA DIVISION

Brad Adams, *Executive Director*  
Kanae Doi, *Japan Director*  
Meenakshi Ganguly, *South Asia Director*  
Phelim Kine, *Deputy Director*  
Elaine Pearson, *Australia Director*  
Sophie Richardson, *China Director*  
Phil Robertson, *Deputy Director*  
John Sifton, *Advocacy Director*  
Mickey Spiegel, *Senior Advisor*  
Patricia Gossman, *Senior Researcher*  
Andreas Harsono, *Senior Researcher*  
David Mathieson, *Senior Researcher*  
Sunai Phasuk, *Senior Researcher*  
Tejshree Thapa, *Senior Researcher*  
Jayshree Bajoria, *Researcher*  
Carlos H. Conde, *Researcher*  
Saroop Ijaz, *Researcher*  
Maya Wang, *Researcher*  
Linda Lakhdhir, *Legal Advisor*  
Riyo Yoshioka, *Senior Program Officer*  
Ahmad Shuja, *Research Associate*  
Storm Tiv, *Senior Associate*  
Shayna Bauchner, *Associate*  
Georgia Bright, *Associate*  
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March 3, 2016

Dr. HM. Asrorun Ni'am Sholeh  
Chairman  
Indonesian Child Protection Commission  
Jl. Teuku Umar No. 10 gondangdia DKI  
Jakarta, Indonesia

Dear Dr. Sholeh:

We write on behalf of Human Rights Watch to express our deep concern for recent actions by the Indonesian Child Protection Commission (KPAI) that undermine protection for children throughout Indonesia. Human Rights Watch is an international nongovernmental organization that investigates and reports on human rights abuses in over 90 countries. We have worked on a range of human rights issues in Indonesia for nearly three decades.

As outlined in Indonesia's Child Protection Law of 2002, the KPAI is responsible for disseminating information about child protection throughout the country, and for giving "reports, suggestions, [and] feedback, to the president in order to protect children." According to its website, the KPAI is formally aligned with—among other independent government agencies—the National Broadcasting Commission (KPI). Together with the National Commission on Violence against Women and the National Human Rights Commission, the KPAI is "one of three national institutions that guards and supervises implementation of human rights in Indonesia."<sup>1</sup>

In a February 1, 2016 statement, the KPAI described information about sexual orientation and gender identity of lesbian, gay, bisexual, and transgender (LGBT) people as "propaganda."<sup>2</sup> It said: "it is strictly forbidden to distribute LGBT propaganda or information [about LGBT issues] to children or minors." Characterizing such information as "gay

<sup>1</sup> Komisi Perlindungan Anak Indonesia, Profile, Main Duties and Functions, <http://www.kpai.go.id/profil/>

<sup>2</sup> Komisi Perlindungan Anak Indonesia, "Propaganda LGBT Dilarang Masuk Dunia Anak-Anak," February 1, 2016, <http://www.kpai.go.id/berita/propaganda-lgbt-dilarang-masuk-dunia-anak-anak/>





propaganda” contributes to stigma and misinformation that encourages discrimination and violence against LGBT people.<sup>3</sup>

KPAI then supported a National Broadcasting Commission (KPI) statement on February 12 banning the broadcast on television and radio of information related to LGBT people. Asrorun Ni'am, KPAI commissioner, attended the meeting to confirm KPI's stance, in which KPI announced: “The rules in [KPI's Broadcast Program Standards] are already clear, both regarding respect for values and norms of decency and propriety, and regarding the protection of children and teenagers that bans that [information] which encourages children and teenagers to learn about behavior that is inappropriate and/or justifies such behavior.”<sup>4</sup>

In an environment of increasing hostility toward LGBT people in Indonesia, including the government's censorship of LGBT-related material, KPAI's pejorative statement on LGBT issues undermines its mandate to protect Indonesian children. In promoting restrictions on freedom of expression and the right to information, the KPAI is acting contrary to article 28 of the Indonesian constitution and violating Indonesia's obligations under article 19 of the International Covenant on Civil and Political Rights.

### **Information crucial for LGBT children**

KPAI's actions will contribute to the denial of important information to Indonesia's children. In its February 1 statement, KPAI said that distributing information about sexual orientation and gender identity “is already in direct conflict with the Law on the Protection of Children and the Penal Code (KUHP),” attempting to conflate the distribution of information with sexual abuse by pointing out that “it is a criminal act to have intercourse with, sexually abuse or otherwise abuse children.”<sup>5</sup>

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<sup>3</sup>On February 17, Indonesia's Ministry of Information banned the website “tumblr” due to “pornographic content” – a ministry official told reporters this ban included non-pornographic material related to LGBT-related content. Kementerian Komunikasi dan Informatika, “Siaran Pers Tentang Klarifikasi Kemkominfo mengenai Rencana Pemblokiran Situs Tumblr,” February 17, 2016, [http://kominfo.go.id/index.php/content/detail/6808/Siaran+Pers+No.20-PIH-KOMINFO-2-2016+tentang+Klarifikasi+Kemkominfo+mengenai+Rencana+Pemblokiran+Situs+Tumblr/o/siaran\\_pers#.Vsz9p\\_krLcs](http://kominfo.go.id/index.php/content/detail/6808/Siaran+Pers+No.20-PIH-KOMINFO-2-2016+tentang+Klarifikasi+Kemkominfo+mengenai+Rencana+Pemblokiran+Situs+Tumblr/o/siaran_pers#.Vsz9p_krLcs); Jakarta Post, “Tumblr to be blocked in Indonesia due to pornography, LGBT content: Govt,” February 18, 2016, <http://www.thejakartapost.com/news/2016/02/18/tumblr-be-blocked-indonesia-due-pornography-lgbt-content-govt.html>.

<sup>4</sup>Komisi Penyiaran Indonesia, “KPI Larang Promosi LGBT di TV dan Radio,” February 12, 2016, <http://www.kpi.go.id/index.php/lihat-terkini/38-dalam-negeri/33218-kpi-larang-promosi-lgbt-di-tv-dan-radio>

<sup>5</sup>Komisi Penyiaran Indonesia, “KPI Larang Promosi LGBT di TV dan Radio,” February 12, 2016, <http://www.kpi.go.id/index.php/lihat-terkini/38-dalam-negeri/33218-kpi-larang-promosi-lgbt-di-tv-dan-radio>. In its ban on LGBT content, KPI echoed the KPAI's harmful language, calling the announced censorship “a form of protection for children and adolescents that are vulnerable to duplicating LGBT deviant behavior. Because of this, [broadcasters] can't leave room in either on television or radio [programming] that can make LGBT behavior be regarded as commonplace.”

A 2015 report by Plan International and the International Center for Research on Women found that girls and boys in Indonesian schools reported extremely high rates (84 percent) of gender-based violence.<sup>6</sup> KPAI has recognized school bullying as a serious child protection issue, and in January 2016 announced that it had held meetings with President Joko Widodo to discuss the issue and urge the president to take action.<sup>7</sup>

Amid such hostile environments, LGBT children are subject to disproportionate rates of bullying, often resulting in feelings of isolation and alienation. For these children, accurate, reliable and objective information about sexual orientation and gender identity are vital to a healthy sense of self, the promotion of understanding among peers, and access to other information such as health-related information.

In a 2015 Asia regional report, UNESCO cited a study on Indonesia in which “LGBT persons who had been bullied in school reported reduced ability to learn, school drop-out, and suicide ideation and attempts,” and noted that 17 percent of respondents in the study had attempted suicide.<sup>8</sup> UNESCO called on governments to, “Promote safe and inclusive school cultures and environments.”<sup>9</sup>

KPAI’s February 1 statement will contribute to Indonesian children being denied the information they need to deal with bullying and other gender-based violence in violation of their basic right to information and education.<sup>10</sup>

### **Censoring information contributes to abuse**

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<sup>6</sup> Plan International/ICRW, “Are Schools Safe and Equal Places for Girls and Boys in Asia? Research Findings on School-Related Gender-Based Violence,” February 2015, [http://www.ungei.org/resources/files/SRBVAsia\\_ICRW\\_Plan.pdf](http://www.ungei.org/resources/files/SRBVAsia_ICRW_Plan.pdf)

<sup>7</sup> Komisi Perlindungan Anak Indonesia, “Mengejutkan! Bullying di Sekolah Meningkat, Jadi Perhatian Serius Jokowi dan KPAI,” January 12, 2016, <http://www.kpai.go.id/berita/mengejutkan-bullying-di-sekolah-meningkat-jadi-perhatian-serius-jokowi-dan-kpai/>; Komisi Perlindungan Anak Indonesia, “KPAI : Presiden Jokowi Siapkan Perpres Terkait Bullying Terhadap Anak,” January 20, 2016, <http://www.kpai.go.id/berita/kpai-presiden-jokowi-siapkan-perpres-terkait-bullying-terhadap-anak/>.

<sup>8</sup> Arus Pelangi, “Menguak stigma, kekerasan & diskriminasi pada LGBT di Indonesia : studi kasus di Jakarta, Yogyakarta, dan Makassar : pembahasan khusus fenomena trans/homophobic bullying pada LGBT [Revealing stigma, violence and discrimination against LGBT in Indonesia: a case study in Jakarta, Yogyakarta and Makassar: Special discussion of the phenomenon of trans / homophobic bullying on LGBT],” 2013, <http://www.worldcat.org/title/menguak-stigma-kekerasan-diskriminasi-pada-lgbt-di-indonesia-studi-kasus-di-jakarta-yogyakarta-dan-makassar-pembahasan-khusus-fenomena-transhomophobic-bullying-pada-lgbt/oclc/881471403> (accessed February 26, 2016).

<sup>9</sup> UNESCO, “From Insult to Inclusion: Asia-Pacific report on school bullying, violence and discrimination on the basis of sexual orientation and gender identity,” 2015, <http://unesdoc.unesco.org/images/0023/002354/235414E.pdf>

<sup>10</sup> See Human Rights Watch, “Letter to President Widodo re: LGBT Rights in Indonesia,” February 11, 2016, <https://www.hrw.org/news/2016/02/11/letter-president-widodo-re-lgbt-rights-indonesia>



KPAI's actions will not only deprive Indonesian children of crucial information, but they may contribute to the bullying and other violence suffered by LGBT children in Indonesia's schools.

The right to information includes information about sexual orientation and gender identity. The UN Committee on the Rights of the Child, the independent expert body that monitors and interprets the Convention on the Rights of the Child, has urged governments to repeal laws that restrict LGBT information and “ensure that children who belong to LGBTI groups or children of LGBTI families are not subjected to any forms of discrimination by raising the awareness of the public on equality and non-discrimination based on sexual orientation and gender identity.”<sup>11</sup>

The Committee has called on governments “to ensure that all adolescent girls and boys, both in and out of school, are provided with, and not denied, accurate and appropriate information on how to protect their health and development and practice healthy behaviors.” Governments should provide “adequate information and parental support to facilitate the development of a relationship of trust and confidence in which issues regarding, for example, sexuality and sexual behavior and risky lifestyles can be openly discussed and acceptable solutions found that respect the adolescent's rights.”<sup>12</sup>

Censoring information about LGBT lives can have harsh consequences, including by fostering stigma that can drive violence, abuse, and poor mental health outcomes. In a 2015 statement by 12 United Nations agencies—including the UN Children's Fund, UNICEF—governments are urged to uphold their human rights obligations by “[p]rohibiting discrimination against LGBTI adults, adolescents and children in all contexts—including in education, employment, healthcare, housing, social protection, criminal justice and in asylum and detention settings,” and “[c]ombating prejudice against LGBTI people through dialogue, public education and training.”<sup>13</sup>

UNICEF has said that rather than blocking information about LGBT lives from children, governments should “repeal laws that entrench such discrimination, and in particular

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<sup>11</sup> UN Committee on the Rights of the Child, Concluding observations on the combined fourth and fifth periodic reports of the Russian Federation, January 31, 2014, CRC/C/RUS/CO/4-5, [http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/RUS/CRC\\_C\\_RUS\\_CO\\_4-5\\_16305\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/RUS/CRC_C_RUS_CO_4-5_16305_E.pdf)

<sup>12</sup> Committee on the Rights of the Child, General Comment 4.

<sup>13</sup> Office of the High Commissioner for Human Rights, “joint call to action on ending violence and discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) adults, adolescents and children,” September 29, 2015, [http://www.ohchr.org/Documents/Issues/Discrimination/Joint\\_LGBTI\\_Statement\\_ENG.PDF](http://www.ohchr.org/Documents/Issues/Discrimination/Joint_LGBTI_Statement_ENG.PDF)

those that criminalize...‘promotion’ of homosexuality, or the association of LGBT children and individuals.”<sup>14</sup>

UNICEF has worked for many years with KPAI to increase its capacity to protect children in an evolving and complex environment. For example, a 2014 UNICEF-Indonesia study on children’s safety on the Internet found that 42 percent of study participants were unaware of the risks of “cyberbullying,” highlighting the vulnerabilities that young Indonesians face online. When it launched the study, UNICEF said that, “Children have a right to information and to express their views and concerns, and the internet provides them with enormous opportunities to realize these rights.”<sup>15</sup> In the same statement, Indonesia’s Minister of Communication and Information Technology, Tifatul Sembiring, reinforced that, saying, “Technology is a tool to support an intelligent and advanced nation. The Internet can provide great benefits for education, research, commerce, and other aspects of life. We should encourage children and adolescents to use the Internet as an important tool for education, increasing knowledge, opportunities and a better quality of life.”<sup>16</sup>

The UN Population Fund (UNFPA) has also called on governments to empower “young people to take control of their own behavior and, in turn, treat others with respect, acceptance, tolerance, and empathy, regardless of their gender, ethnicity, race, or sexual orientation.”<sup>17</sup> A 2014 report by the UN Development Programme on Indonesia called on the government to mainstream sexual orientation and gender identity issues in state institutions, including KPAI.<sup>18</sup>

KPAI’s February 1 statement is a major step backward in protecting Indonesia’s LGBT children from abuse.

### **A mandate to protect all children**

KPAI is mandated to protect all of Indonesia’s children, regardless of their sexual orientation or gender identity, or that of their parents. It should not be contributing to the

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<sup>14</sup> UNICEF, “Eliminating Discrimination Against Children And Parents Based On Sexual Orientation And/Or Gender Identity,” November 2014, [http://www.unicef.org/videoaudio/PDFs/Current\\_Issues\\_Paper-\\_Sexual\\_Identification\\_Gender\\_Identity.pdf](http://www.unicef.org/videoaudio/PDFs/Current_Issues_Paper-_Sexual_Identification_Gender_Identity.pdf)

<sup>15</sup> UNICEF, “Study: Most children in Indonesia are online now, but many are not aware of potential risks,” February 18, 2014, [http://www.unicef.org/indonesia/media\\_22167.html](http://www.unicef.org/indonesia/media_22167.html)

<sup>16</sup> UNICEF, “Indonesia launches Study on Digital Safety,” February 20, 2014, <http://unicefindonesia.blogspot.com/2014/02/indonesia-launches-study-on-digital.html>

<sup>17</sup> UNFPA, “UNFPA Operational Guidance for Comprehensive Sexuality Education.” [http://www.unfpa.org/sites/default/files/pub-pdf/UNFPA\\_OperationalGuidance\\_WEB3.pdf](http://www.unfpa.org/sites/default/files/pub-pdf/UNFPA_OperationalGuidance_WEB3.pdf)

<sup>18</sup> UNDP, “Being LGBT In Asia: Indonesia Country Report,” 2014, <http://www.id.undp.org/content/dam/indonesia/docs/LGBT/Indonesia%20report%252c%20Final%252c%2019%20May.pdf>



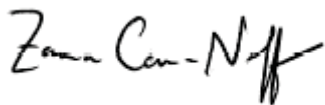
noxious and stigmatizing remarks that Indonesian officials have made about LGBT people in recent months.

Indonesia's Child Protection Law provides that children's "rights will be protected and that they will not be subjected to discriminatory treatment" and specifically enumerates: "Every child shall be entitled to speak and have his opinions listened to, and to receive, seek and impart information." It enshrines that: "The protection of children shall be based upon Pancasila (the national ideology), the 1945 Constitution and the basic principles contained in the Convention on the Rights of the Child, including the following: a. Non-discrimination; b. The best interests of the child; c. The right to life, continuity of life and to develop; d. Respect for the opinions of children."<sup>19</sup> The Indonesian National Human Rights Commission and National Commission on Violence against Women, KPAI's partners in upholding human rights, have both denounced the recent rhetorical onslaught against LGBT Indonesians.<sup>20</sup>

Censoring information about sexual orientation and gender identity, and labeling information about LGBT lives as propaganda does nothing to protect children. Instead, it harms them, contrary to Indonesia's domestic law and international human rights commitments.

KPAI should immediately and publicly reverse its February 1 statement on "LGBT propaganda" and reject the KPI's ban on LGBT rights broadcasts. It should call on the KPI to issue a directive that ensures that broadcasting regulations do not restrict the fundamental rights and freedoms of any group, including LGBT people.

Sincerely,



Zama Coursen-Neff  
Director, Children's Rights Division  
Human Rights Watch

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<sup>19</sup> Indonesia: Law of the Republic of Indonesia Number 23 of 2002 on Child Protection [Indonesia], 22 October 2002, available at: <http://www.refworld.org/docid/54eef1e04.html> [accessed 23 February 2016]

<sup>20</sup> KomnasHAM, "Siaran Pers Pernyataan Sikap Komnas HAM Atas Situasi Yang Dialami Komunitas LGBT," February 4, 2016, <http://www.komnasham.go.id/kabar-latuharhary/siaran-pers-pernyataan-sikap-komnas-ham-atas-situasi-yang-dialami-komunitas-lgbt>; Jakarta Post, "Protect rights of LGBTIQ, civic groups tell govt," January 28, 2016, <http://www.thejakartapost.com/news/2016/01/28/protect-rights-lgbtiq-civic-groups-tell-govt.html>

Brad

Brad Adams  
Asia Director  
Human Rights Watch

CC:  
Ministry of Women's Empowerment and Child Protection  
Ministry of Social Affairs  
Ministry of Planning (BAPPENAS)  
Ministry of Human Rights and Law  
President Joko Widodo

350 Fifth Avenue, 34<sup>th</sup> Floor  
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## Appendix 5: Letter to the Minister of Health

HUMAN  
RIGHTS  
WATCH

HRW.org

April 11, 2016

Nila Moeloek  
Minister of Health  
Republic of Indonesia

### Re: LGBT People in Indonesia and Mental Health Standards

Dear Minister Nila Moeloek,

We are writing to express our deep concern about a series of comments and measures against lesbian, gay, bisexual, and transgender (LGBT) people in Indonesia from Indonesian officials and agencies over the past three months, including a call from mental health officials in your ministry to provide diagnostic and curative treatments for LGBT people.

Human Rights Watch is a nongovernmental organization that investigates and reports on human rights abuses in over 90 countries. For three decades we have researched, reported on, and sought to improve the human rights situation in Indonesia.

We are particularly concerned by the February 19 notice from the Indonesian Psychiatrists Association (PDSKJI). Referring to Law No. 18/2014 on Mental Health and Guidelines for the Classification of Mental Disorder Diagnosis (PPDG)-III, the association stated that “people who are homosexual and bisexual are categorized as people with psychiatric problems,” and “a person who is transsexual is categorized as a person with a mental disorder (ODG).”

We urge you to uphold international scientific standards and publicly reject the Indonesian Psychiatrists Association’s assertion that equates homosexuality and transgender identities with mental health conditions. The views of the PDSKJI on this matter are misinformed, out of step with international scientific practices, and can facilitate human rights abuses. We understand from media reports that you are seeking clarity on similar statements made by Dr. Fidiansjah, your ministry’s mental health director

Kenneth Roth, *Executive Director*

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Amy Towers  
Peter Visser  
Marie Warburg  
Catherine Zennström

regarding homosexuality.<sup>1</sup>

We urge your office, which is entrusted with protecting the health of the Indonesian people, to publicly condemn the PDSKJI statement as unscientific and discriminatory, and to reject the categorization of LGBT identities as mental health conditions. As reflected in the resources attached to this letter, including statements from national mental health organizations in Turkey, Lebanon, Hong Kong, Thailand, India, South Africa, Brazil, the Philippines, and Argentina, the PDSKJI's proposed categorization of LGBT identities as mental health conditions would isolate Indonesia from the intellectual mainstream of scientific medicine and fall short of Indonesia's international human rights obligations.

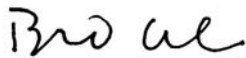
Based on the information presented in this letter, Indonesia's constitutional protections regarding non-discrimination and freedom of expression, and the government's international human rights obligations, we believe it is crucial that your ministry issues a public statement clarifying the ministry's position that LGBT identities are not mental health conditions and need no diagnosis.

We would be happy to discuss this matter further at your convenience.

Sincerely,



Graeme Reid  
Director, Lesbian, Gay, Bisexual, and Transgender Rights Program  
Human Rights Watch



Brad Adams  
Asia Director  
Human Rights Watch

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<sup>1</sup> "Government to probe psychiatrist for false LGBT claim," *The Jakarta Post*, March 24, 2016, <http://www.thejakartapost.com/news/2016/03/24/government-probe-psychiatrist-false-lgbt-claim.html>.



## Global Perspectives on LGBT People and Mental Health

### *International Mental Health Standards*

In a March 2016 statement, the **World Psychiatric Association** (WPA), of which PDSKJI is a member, issued a statement reiterating that “it has been decades since modern medicine abandoned pathologising same-sex orientation and behavior,” and reminding that “psychiatrists have a social responsibility to advocate for a reduction in social inequalities for all individuals, including inequalities related to gender identity and sexual orientation.” It concluded:

WPA believes strongly in evidence-based treatment. There is no sound scientific evidence that innate sexual orientation can be changed. Furthermore, so-called treatments of homosexuality can create a setting in which prejudice and discrimination flourish, and they can be potentially harmful. The provision of any intervention purporting to “treat” something that is not a disorder is wholly unethical.<sup>2</sup>

A 2015 joint statement issued by 12 United Nations agencies, including the World Health Organization (WHO), called on states to protect LGBT people from violence, torture, and ill-treatment, including by ending “unethical and harmful so-called ‘therapies’ to change sexual orientation.”<sup>3</sup>

The **American Psychiatric Association** (APA), which sets global standards for mental health diagnostics in its Diagnostic and Statistical Manual (DSM), removed the diagnosis for homosexuality from the DSM in 1973 and has subsequently, along with multiple national mental health practitioner organizations, condemned discriminatory treatment of LGBT people.<sup>4</sup>

As you may be aware, the APA wrote an open letter to PDSKJI on March 8, 2016, expressing their concerns regarding the scientific validity and ethical implications of PDSKJI’s stance

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<sup>2</sup> World Psychiatric Association, “WPA Position Statement on Gender Identity and Same-Sex Orientation, Attraction, and Behaviours,” March 21, 2016.

<sup>3</sup> United Nations Joint Statement, “United Nations entities call on States to act urgently to end violence and discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) adults, adolescents and children,” September 2015, [http://www.ohchr.org/Documents/Issues/Discrimination/Joint\\_LGBTI\\_Statement\\_ENG.PDF](http://www.ohchr.org/Documents/Issues/Discrimination/Joint_LGBTI_Statement_ENG.PDF).

<sup>4</sup> Other American organizations include: American Academy of Child and Adolescent Psychiatry, American Academy of Pediatrics, American Association for Marriage and Family Therapy, American Counseling Association, American Medical Association, American Psychoanalytic Association, American Psychological Association, American School Counselor Association, and the National Association of Social Workers.

on homosexuality.<sup>5</sup> In response to the letter, the PDSKJI chairman, Danardi Sosrosuhardjo, has indicated that there are differences in the ways Indonesian and American psychiatrists consider homosexuality.

In a seemingly positive step, Danardi said, “If someone is already established steadily as or has defended homosexuality, their psychiatry will not be tinkered with again.” However Danardi’s statement contravened international standards as he went on to outline how PDSKJI’s statement—and his beliefs—distinguish that lesbian, gay, and bisexual people have “psychiatric problems” (ODMK) but not “mental disorders” (ODGJ). He said: “The ODMK group is a healthy community, a normal community, but have the risk of falling into a mental disorder. Thus, with this Act, the ODMK group actually needs to be paid more attention in order to ensure that those classified as ODMK do not fall into ODGJ category.”<sup>6</sup>

Such a distinction has no substantive difference in international mental health standards and disturbingly positions mental health practitioners to intervene in LGBT people’s free expression of their sexual orientation. It is also out of line with how national professional mental health bodies and ministries of health around the world have understood their obligations to uphold non-discrimination standards for LGBT people.

It is crucial that your ministry clarify, in line with international standards and the growing global consensus outlined in this letter, that LGBT sexual orientation and gender identity are not mental disorders, and that mental health practitioners have a duty to uphold principles of non-discrimination in their care for LGBT people.

### ***Global Consensus Against Diagnosing and “Curing” Homosexuality***

National organizations around the world have scientifically invalidated and ethically condemned both the diagnosis of homosexuality as a mental disorder as well as efforts to provide therapies aimed at “curing” or changing sexual orientation or gender identity.

In its code of ethics, published in 2004, the **Turkish Psychological Association** mandated that “psychologists do not use their knowledge as a tool for psychological pressure,” which means clinicians cannot “force clients into declaring, denying or

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<sup>5</sup> American Psychiatric Association, letter regarding concern over the Indonesian Psychiatric Association’s recent classification of homosexuality as a mental disorder, March 8, 2016, [https://www.psychiatry.org/File%20Library/Newsroom/APA-denounces-IPA-LGBT-classification.pdf?\\_ga=1.265630154.433623477.1458129090](https://www.psychiatry.org/File%20Library/Newsroom/APA-denounces-IPA-LGBT-classification.pdf?_ga=1.265630154.433623477.1458129090).

<sup>6</sup> “Dipotes Asosiasi Psikiater Amerika soal LGBT, Ini Tanggapan PDSKJI,” *Portal Kabar*, March 17, 2016, [http://portalkbr.com/nasional/03---2016/dipotes\\_asosiasi\\_psikiater\\_amerika\\_soal\\_lgbt\\_ini\\_tanggapan\\_pdiskji/79483.html](http://portalkbr.com/nasional/03---2016/dipotes_asosiasi_psikiater_amerika_soal_lgbt_ini_tanggapan_pdiskji/79483.html).

changing their worldview, sexual orientation, political, religious and moral values.” The code further states that:

Psychologists respect the dignity and the rights of all people under all circumstances. Psychologists do not make discriminations based upon age, identity, gender, sexual identity, sexual preference, ethnic background, religion, socio-economic status, or disability.<sup>7</sup>

In response to a spate of harassment and arrests of LGBT people, the **Lebanese Psychiatric Society** stated:

Homosexuality was once thought to be the result of troubled family dynamics or faulty psychological development. Those assumptions are now understood to have been based on misinformation and prejudice.... Homosexuality per se implies no impairment in judgment, stability, reliability, or general social or vocational capabilities.... There is no published scientific evidence supporting the efficacy of “reparative therapy” as a treatment to change one’s sexual orientation. More importantly, altering sexual orientation is not an appropriate goal of psychiatric treatment.<sup>8</sup>

The **Hong Kong Psychological Society** stated that “psychologists understand that homosexuality and bisexuality are not mental illnesses,” and “psychologists understand that efforts to change sexual orientation are not proven to be effective or harmless.”<sup>9</sup>

**Thailand’s Ministry of Public Health** confirmed that “persons loving the same sex are not considered mentally abnormal or in any way ill.”<sup>10</sup> The **Royal College of Psychiatrists of Thailand** stated: “[Homosexuality] is encountered in both sexes, that is, men who like men (gay) and women who like women (lesbianism), and individuals who like both sexes (bisexualism); this state is not a psychiatric illness.”<sup>11</sup>

The official publication of the **Indian Psychiatric Society** stated:

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<sup>7</sup> Turkish Psychological Association Ethics Code, April 18, 2004.

<sup>8</sup> Statement from the Lebanese Psychiatric Society Executive Committee, July 2013, <http://static1.squarespace.com/static/52567f12e4b02768cf839a59/t/567bd7c8a128e603ba937910/1450956744013/LPS+homosexuality+-+revised+2015.pdf>.

<sup>9</sup> Division of Clinical Psychology, Hong Kong Psychological Society, “Position Paper for Psychologists Working with Lesbian, Gay, and Bisexual Issues” (August 1, 2012).

<sup>10</sup> Department of Mental Health, Ministry of Public Health, Kingdom of Thailand, “Issuing an Academic Affirmation on Homosexuality,” January 29, 2002, <http://www.sapaan.org/article/39.html>.

<sup>11</sup> Clinical Practice Guideline in Management of Gender Dysphoria and Transsexualism 2009, Royal College of Psychiatrists of Thailand, September 18, 2009.

There is no evidence for the effectiveness of sexual conversion therapies. Such treatments also raise ethical questions. In fact, there is evidence that such attempts may cause more harm than good, including inducing depression and sexual dysfunction. However, faith-based groups and counsellors pursue such attempts at conversion using yardsticks, which do not meet scientific standards. Clinicians should keep the dictum “first do no harm” in mind. Physicians should provide medical service with compassion and respect for human dignity for all people irrespective of their sexual orientation.<sup>12</sup>

The **Indian Medical Association** asserted a similar point in a submission to the Supreme Court, saying that they were “seriously concerned that homosexuality is looked upon as a disorder,” and affirming:

Psychiatrists also need to do our real job—treating emotional distress among those who need it. These would include helping lesbian, gay, bisexual, transgender (LGBT) groups in communicating with their families, building supportive networks, helping in disclosure and handling depression and anxiety just like they would in any other person who seeks help.<sup>13</sup>

The **Psychological Association of the Philippines** (PAP) declared, “Decades of scientific research have led mental health professional organizations worldwide to conclude that lesbian, gay and bisexual orientations are normal variants of human sexuality,” and that “PAP aligns itself with the global initiatives to remove the stigma of mental illness that has long been associated with diverse sexualities and to promote the wellbeing of LGBT people.” Crucially, PAP’s statement highlighted that “anti-LGBT prejudice and discrimination tend to be based on a rhetoric of moral condemnation and are fueled by ignorance or unfounded beliefs associating these gender expressions and sexual orientations with psychopathology or maladjustment.”<sup>14</sup>

The **Psychological Society of South Africa** has called on psychology professionals to support LGBT people by “using relevant international practice guidelines in the absence of South African-specific guidelines,” and by “cautioning against interventions aimed at changing a person’s sexual orientation or gender expression such as ‘reparative’ or

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<sup>12</sup> T.S. Sathyanarayana Rao and K.S. Jacob, “Homosexuality and India,” *Indian Journal of Psychiatry*, 54(1) (2012): 1-3.

<sup>13</sup> “Homosexuality not an illness: health professionals to SC,” *Indian Express*, February 16, 2011.  
<http://archive.indianexpress.com/news/homosexuality-not-an-illness-health-professionals-to-sc/750770/>.

<sup>14</sup> Psychological Association of the Philippines, “Statement of the Psychological Association of the Philippines on Non-Discrimination Based on Sexual Orientation, Gender Identity and Expression,”  
<http://www.pap.org.ph/?ctr=page&action=resources>.

conversion therapy.”<sup>15</sup>

The **Pan American Health Organization** (PAHO), the regional office of the World Health Organization representing North and South America, has stated, “Efforts aimed at changing non-heterosexual sexual orientations lack medical justification since homosexuality cannot be considered a pathological condition.... In none of its individual manifestations does homosexuality constitute a disorder or an illness, and therefore it requires no cure.” PAHO further clarified for practitioners that “suggesting to patients that they suffer from a ‘defect’ and that they ought to change constitutes a violation of the first principle of medical ethics: ‘first, do no harm.’”<sup>16</sup>

The **Federal Council of Psychology in Brazil** said that psychologists should not “engage in any action that favors the pathologizing of behaviors or homoerotic practices or adopt coercive action aimed to guide treatments for homosexuals unsolicited,” or “cooperate with events and services who offer treatment and cure of homosexualities.” The association called on psychologists to “not pronounce, or participate in public statements, or means of mass communication, in order to strengthen existing social prejudices against homosexuals as having any psychiatric disorder.”<sup>17</sup>

**Argentina’s law on mental health protection** states that “In no case may a diagnosis in the mental health field be made solely on the basis of ... sexual orientation.”<sup>18</sup>

### ***Standards for Transgender Health Care***

With regard to transgender people, PDJSKI’s statement is also out of line with international standards and best practices. PDJSKI states that “a person who is transsexual is categorized as a person with a mental disorder (ODG).”

The **World Professional Association for Transgender Health** (WPATH) has clarified:

Some people experience gender dysphoria at such a level that the distress meets criteria for a formal diagnosis that might be classified as a mental disorder. Such a

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<sup>15</sup> Psychological Society of South Africa, “Sexual and Gender Diversity Position Statement,” June 7, 2013.

<sup>16</sup> PAHO, “‘Cures’ For an Illness that Does Not Exist: Purported Therapies Aimed at Changing Sexual Orientation Lack Medical Justification and are Ethically Unacceptable,” May 15, 2012, [http://new.paho.org/hq/index.php?option=com\\_docman&task=doc\\_view&gid=17703](http://new.paho.org/hq/index.php?option=com_docman&task=doc_view&gid=17703).

<sup>17</sup> Federal Council of Psychology, Resolution 001/99, Mar. 22, 1999, [http://site.cfp.org.br/wp-content/uploads/1999/03/resolucao1999\\_1.pdf](http://site.cfp.org.br/wp-content/uploads/1999/03/resolucao1999_1.pdf).

<sup>18</sup> National Mental Health Law, Law No. 26657, Chapter 2, Article 3, *Official Gazette of the Argentine Republic*, Year CXVIII, No. 32,041, December 3, 2010.

diagnosis is not a license for stigmatization or for the deprivation of civil and human rights. Existing classification systems such as the DSM and the International Classification of Diseases (ICD) define hundreds of mental disorders that vary in onset, duration, pathogenesis, functional disability, and treatability. All of these systems attempt to classify clusters of symptoms and conditions, not the individuals themselves. A disorder is a description of something with which a person might struggle, not a description of the person or the person's identity.<sup>19</sup>

The WHO is currently considering major changes to its revised version of the International Classification of Diseases (ICD), due out by 2018, which will significantly transform the ways physicians around the world code and categorize transgender people's experiences. The proposed revisions, while still in draft form, would move transgender-related diagnoses out of the mental disorders chapter. This move is in line with other changes in recent years.

For example, the Gender Dysphoria diagnosis in DSM-5, published in 2013, replaced a previous diagnosis in DSM-IV, Gender Identity Disorder. The new diagnosis of Gender Dysphoria emphasizes that a person's dysphoria, rather than their gender identity, is the appropriate focus of treatment. The Supreme Court of India has also affirmed that the important mental health issues for transgender people are not their gender identity itself, but the anxieties caused by the stigma and discrimination they face.<sup>20</sup> This is an important distinction for health officials to maintain: it is not a person's gender identity that calls for a diagnosis, but rather that the anxieties associated with gender transition—including adverse symptoms caused by stigma, discrimination, and violence—can benefit from mental health care treatment.

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<sup>19</sup> WPATH, "Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People, Version 7," 2012, [http://www.wpath.org/uploaded\\_files/140/files/Standards%20of%20Care,%20V7%20Full%20Book.pdf](http://www.wpath.org/uploaded_files/140/files/Standards%20of%20Care,%20V7%20Full%20Book.pdf).

<sup>20</sup> Supreme Court of India, NALSA v. India, WRIT PETITION (CIVIL) NO.400 OF 2012, <http://supremecourtindia.nic.in/outtoday/wc40012.pdf>.

## Appendix 6: Document from the Board of Nahdlatul Ulama (PBNU)

### BOARD OF NAHDLATUL ULAMA

(*Pengurus Besar Nahdlatul Ulama – PBNU*)

Jalan Kramat Raya No. 164 Jakarta 10430 Telp. xxxxxxxxxxxx

Fax xxxxxxxxxxxx E-mail: [xxxxxxxxxxx](mailto:xxxxxxxxxxx) website: <http://www.nu.or.id>

### PBNU'S ATTITUDE AND TAUSHIYAH REGARDING STRAYING SEXUAL BEHAVIOURS AND TREATMENT

Islam is a religion that is harmonious with the nature of humanity and places the protection of offspring (*hifzhun nasl*) as a very important part. Institutions for *hifzhun nasl* ensure that it is through the institution of marriage between men and women with the conditions and pillars of marriage. Sexual activity outside of marriage is forbidden, and is considered a crime (*jarimah*). The tendencies of Lesbian, Gay, Bisexual and Transgender (LGBT) are a form of perversion and the practice of LGBT is a desecration of human dignity. Lately, there has been a systematic campaign against the activities of the LGBT perpetrators and LGBT support groups, including financial support and resources. Therefore, PBNU conveys the following attitudes:

1. PBNU refuse to recognise movements that allow or acknowledge the existence of LGBT. LGBT denies human nature. PBNU confirms their belief that LGBT behaviour is incompatible with human nature. Thus, LGBT tendencies are distorted, and the people who have it should be rehabilitated. The process of rehabilitation to be carried out will be in accordance with the factors that cause LGBT.
2. There should be a mobilization of resources for the rehabilitation of every person who has LGBT tendencies:
  - a. PBNU requests serious government action to provide rehabilitation and make it a requirement.
  - b. PBNU appeals to all preachers, PBNU members in particular, and the Indonesian people in general to work together to provide rehabilitation services for them and assist in their recovery.

- c. Undertake various efforts for the prevention and recovery that aims to help fellow human beings, and in order to return human dignity to nature.
  - d. Strengthen the resilience of families with a pre-marriage education including consultations for the perpetuation of religious weddings.
  - e. Requests all parties to provide assistance to people who have LGBT tendencies in order for them to be able to live a straight life (righteous life) in accordance with religious, social and cultural norms. One of their rights is the right to obtain rehabilitation and education. There is a need for proselytizing measures using wisdom, goodness, gentleness, care, love, clearly and firmly handling it.
3. PBNU evaluation, the campaigns against LGBT activity are unlawful measures that need to be sanctioned. For that PBNU request:
- a. The Government takes immediate measures to stop all propaganda against LGBT normalisation and deviant activities; and ban parties campaigning for LGBT.
  - b. Ask the public, NGOs and LGBT activists who have been undertaking LGBT normality propaganda to allow rehabilitation and to campaign for the halt of activities.
  - c. Ask the Parliament, particularly from NU members, to fight for the drafting of laws that essentially:
    - 1) Confirm the ban on LGBT and these behaviours as a crime;
    - 2) Provide rehabilitation for every person with LGBT tendencies to return to normal;
    - 3) Impose penalties for individuals who continue to propagate and campaign for LGBT normalisation and ban their activities.

Jakarta, 22 February 2015



# Appendix 7: LKNU Position Statement

LKNU Position Statement Regarding LGBT Support<sup>1</sup>

Saturday, 05 March 2016

*In the name of God, Most Gracious, Most Merciful*

In response to issues and accusations following the Nahdlatul Ulama (NU) statement, dated February 22, 2016 on the rejection of Lesbian, Gay, Bisexual and Transgender practices and movement. Our Health Institute Board of Nahdlatul Ulama (LKNU) felt it necessary to explain the following:

1. That LKNU, as an institution under the auspices of the PBNU, submit and obey the attitudes and decisions of PBNU, including the related attitude, which states that LGBT constitutes a behaviour that denies human nature.
2. It is true that in recent years LKNU has become one of the partners of the Global Fund program for the prevention of Human Immunodeficiency Virus (HIV), the virus that attacks the immune system, and Acquired Immune Deficiency Syndrome (AIDS). We need to clarify that the partnership program is run in the context of prevention. In this program, the efforts of prevention and assistance were undertaken by LKNU against the assisted communities which, includes people with HIV / AIDS (PLWHA).
3. Implementation of the HIV / AIDS programme is funded by the Global Fund, managed by LKNU and devoted to those who become targets of the program.
4. That the implementation of the program, through LKNU prevention and advocacy efforts, also interacts with any community. An understanding of the principles of universal humanity form LKNU foundations so as not to restrict the interaction with certain groups or communities.
5. That LKNU does not make any and or engage in campaign agendas and propaganda to fight for the recognition of LGBT existence.
6. LKNU asked all parties not to politicise and take advantage of cooperation built by LKNU for particular interests, apart from health interests.
7. LKNU are willing, in cooperation with partners, to review the points of agreement sourced from the grants funding program of the Global Fund with reference to the official stance of the PBNU.

Thus this position statement is an information source and media for each **tabayyun**.

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<sup>1</sup> Suara Nahdlatul Ulama, "Pernyataan Sikap LKNU Terkait Tudingan Dukung LGBT", Sabtu, 05 Maret 2016. Accessed: <http://www.nu.or.id/post/read/66290/pernyataan-sikap-lknu-terkait-tudingan-dukung-lgbt>

*Wallahul muwafiq ilaa aqwamith thoriq*

*And peace and mercy and blessings of Allah be upon you*

**Jakarta, 5 March 2016**

**Hisyam Said Budairy, MSc**

**President**

**dr. Citra Fitri Agustina, SpKJ**

**Secretary**

# “These Political Games Ruin Our Lives”

## Indonesia’s LGBT Community Under Threat

In early 2016 Indonesian authorities stoked an unprecedented attack on the rights of sexual and gender minorities. Between January and March, more than 18 officials and state offices issued anti-LGBT statements—calling for everything from criminalization to “cures” for homosexuality, to censorship of information related to LGBT lives.

*“These Political Games Ruin Our Lives”* is based on 70 in-depth interviews with Indonesian sexual and gender minorities, LGBT human rights activists, and other civil society representatives across Indonesia between January and June 2016. The report documents how officials’ biased and untrue statements about LGBT people provided social sanction for harassment and violence against Indonesian sexual and gender minorities, and even death threats by militant Islamists.

State institutions issued censorship directives banning information and broadcasts that portrayed the lives of LGBT people. Mainstream mass religious groups called for criminalization and “cures” for LGBT people. That combination of discriminatory rhetoric and policy decisions harmed the physical security and right to free expression of LGBT people across the country. Security forces cracked down on peaceful assembly in support of LGBT Indonesians.

Throughout the crisis, the administration of president Joko Widodo (Jokowi) remained largely silent, with the only public commentary by a high-ranking official being a suggestion that homosexuality was a medical disorder that needed treatment. That failure to adequately respond to the public attacks on the country’s LGBT community falls short of Indonesia’s international human rights obligations, and the government’s commitment to respecting and celebrating the country’s diversity.



*A group opposing the Lesbian, Gay, Bisexual and Transgender (LGBT) community prepares to confront a pro-LGBT group planning on staging a counter protest at Tugu Monument in Yogyakarta on Feb. 23.*

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