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Community Legal Aid Institute (LBHM), GWL INA

**Submission to the UN Committee on the Elimination of
All Forms of
Discrimination Against Women (CEDAW)
for Its Review of Indonesia**

**Contribution for the Adoption of the List of Prior Issue (LOI) in the 78th Pre-
Sessional
Working Group of the CEDAW**

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**VIOLENCE AGAINST TRANSGENDER AND LBQ WOMEN in
INDONESIA**

Introduction

1. This report is a joint submission of several non-governmental organizations working on the LGBTIQ Rights in Indonesia incorporated in the Crisis Response Mechanism (CRM) Consortium. The organizations which have contributed to this report are Arus Pelangi, Sanggar Swara, GWL INA, and Community Legal Aid Institute (LBHM)
2. Crisis Response Mechanism (CRM) is a national consortium which was established in July 2018. CRM has focused on resource mobilization for crisis prevention and crisis response for SOGIESC issues in Indonesia. CRM has members organizations, Arus Pelangi, Sanggar Swara, GWL INA, LBHM.
3. Arus Pelangi is an Indonesian Federation of LGBTIQ. Arus Pelangi Established in 2006 and focuses on advocacy for LGBTIQ Rights in Indonesia. Arus Pelangi has 17 organisational members across Indonesia.
4. Sanggar Swara is a young transgender woman organisation formed in June 2016, which focuses on the issues of education, empowerment, advocacy, and crisis management of young trans women in Jabodetabek (Jakarta, Bogor, Depok, Tangerang, Bekasi) area.
5. GWL INA is a network of community-based organizations (CBOs) working on HIV, health and human rights issues for Gay, Transgender Women, and MSM communities in Indonesia.
6. Community Legal Aid Institute (LBHM) is a human rights organisation based in Jakarta that provides free legal aid services for marginalised communities, including people in the death row, people who use drugs, LGBTI people, people living with HIV, and people with psychosocial disabilities.
7. In this Report, the CRM Consortium brings to the attention of the CEDAW Committee members the serious violation of basic human rights of LGBTIQ People in Indonesia. This report is based on the research conducted by either organisation in the consortium, and other organisations that also advocate the rights of LGBTIQ people in Indonesia.
8. This Report consists of: Impact of the Pandemic on LGBTIQ Rights and Gender Equality, constitution and Legal Frameworks against LGBTIQ, Stereotypes and harmful practices: Institutionalize Conversion Therapy in the Family Resilience Bill , Violence and Persecution against LGBTIQ, LGBTIQ and Employment, and LGBTIQ and Education.
9. This report is primarily based on several research made by Crisis Response Mechanism Consortium and organisational member research; *Indonesia Situational Analysis research* made by Sanggar Swara, *Dark Note: 12 years Persecution of LGBTIQ* made by Arus Pelangi, *The Conversion Therapy Pracactices againts Transgender Person in*

Indonesia report made by APTN and Indonesian Transgender Network. We also use secondary data from the media and other resources.

10. We use a LGBTIQ as a boarder terms in this report where Lesbian, Bisexual, Queer Women, and Transgender women are included. But we also have a specific data of Lesbian, Bisexual, Queer (LBQ) Women, and Transgender women in this report.

Impact of the pandemic on LGBTIQ rights and gender equality

11. The COVID-19 pandemic that has occurred since the end of 2019 has been impacting vital aspects of people's lives, including economic, social, political, legal and cultural aspects[1]. Based on the results of the Smeru Research Institute, 2020[2], the poverty rate in Indonesia increased significantly from 9.22% in September 2019 to be 9.7% (if the economic growth is 3-4.2 %) to 12.4% (if the economic growth is 1-2.1%).
12. The pandemic adds new layers of discrimination for trans and LBQ women and rebubbles old discrimination. Based on the results of CRM's research in 2021[3], the COVID-19 pandemic affects LBQ women in at least 3 aspects, namely economic, legal and social.
13. In the economic aspect, trans and LBQ women experienced a decrease in income caused by layoffs, PSBB (Large-Scale Social Restrictions), business closures and others. The majority of LBQ women included in the research had incomes in the range of 1,000,000 IDR to 3,000,00 IDR a month (42%). Meanwhile, the majority of trans women lived with income less than 1,000,000 IDR a month (45.9%). Due to this economic condition, six respondents stated that they were evicted by their landlords.
14. Although the majority of trans women accepted government support during the pandemic (62.4%), many still face difficulties in obtaining this social protection scheme. The causes are varied, ranging from the lack of information, not being prioritised, and not having identity documents.
15. The lack and inaccessible support during the pandemic encourages LBQ and trans women to ask financial support from peers or NGOs. The CRM Consortium itself has been distributing public donations since March 2020 to 3.543 LGBTI in 20 Provinces in Indonesia. These efforts indicate that the government is not responsive and comprehensive enough to provide social coverage for LBQ and trans women during the pandemic. In some areas where stigmas toward LGBTI people are rampant, such as Aceh, LBQ and trans women must even risk their life to access support. Unlike their peers in different districts, they could not openly inform that they need help as it would compromise their identity and location, which might then lead to persecution.

16. This condition is in-line with another research that shows that 50.3% of LGBTIQ did not receive assistance from the government because the several reasons, such as not having ID card, not being prioritised in the government program, lack of information and discrimination based on their SOGIESC.
17. In the social aspect, 36.6% of LGBTIQ people experienced physical and psychological violence during the COVID-19 pandemic, at least since last year, CRM has been receiving 46 cases against LGBTI in Indonesia. The forms case has a various case, start from persecution, expulsion until a murder.
18. These unmitigated vulnerabilities that only become self-evident during the pandemic shows that Indonesia has yet to fulfil its responsibilities mandated by the Article 11 Number 1(e) of the CEDAW. Trans and LBQ women still face difficulties in accessing the right to social security, due to not having identity cards, lack of information, not being prioritised, and public perception toward them in general.
19. Stigmas and discrimination also contribute to the high number of trans women working in informal sectors or becoming sex workers. Therefore, the choice they made in these careers might not be completely free as it suggested in Article 11 Number 1(c), but rather a result of lack of opportunities, discriminatory education system, and unavailable affirmative actions for trans women in workplaces. During the pandemic, informal workers and sex workers experienced disproportionated the worst effect of pandemic, as they are not guaranteed insurances or social protection programs provided by the workplaces.

Suggested adoption of issue

20. *Prioritize marginalized groups to get direct COVID-19 support including sexual minority groups.*
21. *Strengthen and reform the social protection system to adequately provide protection for everyone from economic vulnerability without discrimination, including discrimination on the basis of sexual orientation, gender identity, and gender expression.*
22. *During pandemic, more concern should be made to vulnerable groups who, due to the marginalisation they have experienced before, will face difficulties in accessing economic and social support.*
23. *The government should ensure that LBQ and trans women can have identity cards, therefore, they can access relief funds and national health insurances.*

Constitution and Legislative Frameworks against LGBTIQ

24. Research on the analysis of the LGBTIQ situation in Indonesia produced by Sanggar Swara (one of the Arus Pelangi organisational members) in 2020 has strongly identified

that persecution, violence and discriminatory policies are three aspects that are considered as dynamics between the government and the LGBTIQ community in Indonesia.

25. Instead of protecting us as part of Indonesian citizens, the government considers that LGBTIQ community an enemy and a disease. In fact, Indonesian legal framework has ensured the protection of human rights. The Law No.39 of 1999 about Human Rights clearly stated that the inalienable rights are absolute rights that must be protected by the government (and the fact that Indonesia has ratified the ICCPR in Law No.12 of 2005 concerning the Ratification of the International Covenant on Civil and Political Rights).
26. However, until now, due to the government's lack of capacity on human rights perspective, especially LGBTIQ human rights, there is still a debate whether the rights of the LGBTIQ community are part of protected human rights. This debate is based on article 28J of the 1945 Constitution which regulates restrictions on protecting and fulfilling human rights in Indonesia.
27. This study reveals that the efforts to fulfill LGBTIQ human rights are not prioritized in the National Human Rights Plan (RANHAM) on the grounds that this action is reasonable according to article 28J of the 1945 Constitution. The chairperson of National Human Rights Institution (Komnas HAM), Taufan Damanik stated that although article 28J highlighted limitations on human rights, the article also highlighted that further restrictions were regulated by generative laws. Thus, acts of violence and discriminatory policies against the LGBTI community are actually unconstitutional.
28. Recently, religious values have entered the political aspect in Indonesia. Generally, it was found that the government could not differentiate between their actions as adherents of a religion and as government officials. For example, an officer from the Ministry of Law and Human Rights stated that although LGBTIQ is found to be part of Indonesian culture, if it is against religion, then it must follow religious values as applicable standards.
29. In 2018 Arus Pelangi recorded 45 regulations from the smallest local government (village) to provincial regulations. There was an increase of 9 times from 2013 to 2018.
30. From 45 discriminatory local regulations that Arus Pelangi collected, seven local regulations were found that were not directly targeted at LGBTIQ but intersect on the issue of decency that exists in society and is suspected to have the potential to oppress LGBTI.

31. Eight (8) other local regulations related to morality have been implemented to criminalize LGBTIQ, whether intentional or not, but what is certain is that the State allows the systematic persecution of LGBTI people.
32. Twenty Three (23) local regulations out of 45 regulations that actually write in the body of the article the words and phrases: lesbian; homosexual and transgender women with a narrative article that is discriminatory and has the potential to lead to public hatred.
33. In 2018 there were 4 circulars issued by the local officials calling for sharpening discrimination against LGBTIQ people in Indonesia;
34. Cianjur (Office Note 38/SEK-KPA/X/2018) followed by the Cianjur Regency Government Circular Letter 421.6/2973/DISDIK/2018 concerning LGBT Prevention. In connection with the Friday Prayer sermon material which calls for eradicating LGBT.
35. Karawang, Circular Letter No. 600/6917/Kesre dated 6 November 2018 concerning Prevention and Mitigation of the Negative Impact of Lesbian, Gay, Bisexual and Transgender (LGBT) Social Phenomena on Social Life and Behavior.
36. Bangka Belitung, Circular Letter No. 421.6/2973/DISDIK/2018 dated October 17, 2018 whose contents are to improve character education to anticipate the rise of crime in schools such as drugs, Lesbian Gay Bisexual and Transgender (LGBT) and others.
37. Indramayu, Circular Letter No.443.1/24.a/Kesra Regarding Socialization and Prevention of LGBT Behavior, dated 27 February 2018.
38. To date, the agenda to revise the Draft of Criminal Code (RKUHP) with problematic articles that have the potential to criminalize minority groups, including the LGBTI community is in process to be passed.
39. Article 420 on Act of Obscenity in the latest Draft Criminal Code still uses the word same-sex adultery, which has the potential to criminalize LGBT groups in Indonesia.

Suggested adoption of issue

40. *Give the recognition for people with diverse sexual orientation and gender identity in a respectful and a non-pathological way.*
41. *Ensure the commitment of the Country to protect and fulfill the Human Rights for all the citizens including people with diverse sexual orientation and gender identities.*
42. *Abolish all discriminatory laws that contradict with laws No. 39 Year 1999 related to Human Rights and Law No. 12 Year 2005 related to ICCPR Ratification.*

43. *Ensure that there are no discriminations take place in the national, provincial and institutional levels in the public and private agencies by expanding the protection of the Anti-Discrimination bill to include sexual orientation and gender identity*

Stereotypes and harmful practices: Institutionalize Conversion Therapy in the Family Resilience Bill

44. The family resilience bill is one of the proposed laws prioritized in the National Legislation Program 2020. The Family Resilience Bill adheres to a binary family system, namely the division of roles into a strong and firm thing and the State participates and is hierarchically responsible in family rules
45. The Family Resilience Bill is still a public concern because the content material is considered by some people to enter the private area (core family) which should be sufficiently regulated in religious norms and decency or ethics.
46. The bill also includes LGBT as sexual deviance. Article 85-87 of the Family Resilience Bill regulates the obligation of families to conduct rehabilitation to guidance on family members who have sexual deviance. The family is also obliged to report family members who have sexual deviances to the institution that will be appointed to handle the problem.
47. In 2019 we recorded 11 Family Resilience Provincial Regulation in 11 provinces in Indonesia. All of them promote corrective treatment in the name of family resilience. So if the national bill of family resilience pass, we have a national law that will institutionalize conversion therapy for LGBT people.
48. Apart from the proposed draft bill, there is a program from the Ministry of Social Affairs, called “Bina Karakter” or character building in English. However, the decentralization in Indonesia made each province have its own authority to permit a law/legislation that reflects the social value. It also gave the contribution to the cases at the provincial level where the statements of the government officials were used as the justification to persecute people with diverse gender identity and sexual orientation.
49. Religious law, like *fatwa* in Islam also can be applied to those with Muslim faith. According to *fatwa No. 57, 2014* from Indonesia Ulema Council, homosexual, and transgender is a crime and it was suggested to reinforce the effort to “put them back” to be the right path according to the religion.
50. Under the Ministry of Social Affair, Social rehabilitation is intended to restore and develop the ability of a person experiencing “social dysfunction” so that they can carry

out their social function properly" (Law No.11 of 2009 Article 7 paragraph 1 (Ministry of Social Affairs, 2020). In its program, transgender women are categorized under the category of People with Social Welfare Problem (Penyandang Masalah Kesejahteraan Sosial- PMKS).

51. Within this program, the Ministry through its civil service police could conduct social raid (in Indonesian it commonly called "razia") to arrest transgender women. The raid is usually conducted at night and targeted transgender women who are strongly associated to work at night as sex workers.
52. Upon the arrest, the captured transgender women were given food, necessities access to health, daily necessities, psychosocial guidance, mental, spiritual, and Information and Education Communication with the aim for financial independence and prevent transgender women to have the immoral way of lifestyle. Although the intention is good, the part of psychosocial, mental and spiritual guidance that has the agenda to "return them to the right path" could be considered a conversion effort by the government agency.
53. According to *The Conversion Therapy Practices against Transgender Person in Indonesia* report made by APTN and Indonesian Transgender Network, religious practices like ruqyah (for Muslims) and pastoral counselling (for Christians) that were forced on LGBTI people for their sexual and gender identities could be considered forms of conversion therapy.
54. When LGBTI people are subjected to ruqyah and pastoral counselling, the assumption is that they need to and can be converted back to "the right path". Indeed, many practitioners of Islam and Christianity believe that human beings need to walk on the path of God, which, in this case, are heterosexual and cisgender norms.
55. According to our report, most trans and gender diverse people do not find any support when being forced to endure conversion therapy. Indeed, as mentioned earlier, the programme is largely seen as beneficial and necessary by the general public in Indonesia and therefore has a significant amount of public support.
56. Several of our trans women participants said they turned to religion and praying to help them cope with the harmful effects of conversion therapy. The support coming from community-based organisations was the main source of comfort for the survivors of therapy surveyed by this research initiative.

Suggested adoption of issue

57. *Abolish laws that reinforce the conversion therapy towards sexual orientation and gender diverse people, for example the current proposed bill of Family Resilience that*

perpetuates hate and the idea to rehabilitate people with different sexual orientation and gender identity.

58. *Prohibit all forms of corrective treatment to curing people of diverse sexual orientations and gender identities.*

59. *To revisit the social rehabilitation program so that it can be gender-sensitive for trans and gender diverse people.*

Violence and Against LGBTIQ

60. Until 2017, Arus Pelangi recorded 172 cases of persecution against LGBTIQ groups in Indonesia, which contained 271 acts which were a series of follow-up actions due to a discriminatory regulation.

61. Of these actions, 17 were classified into discrimination, persecution, and criminalisation act. Especially those related to actions taken by law enforcement officers and public officials against LGBTIQ.

62. Until 2018, 35 acts were indicated as **assault**. The perpetrators of this persecution are civilians who carry out vigilante actions or eigenrichting. From the recorded cases, there is no justice for the victims. Almost all of the recorded cases of abuse are serious abuses that can result in the death of the victim.

63. A total of 6 incidents were **obscene acts** that targeted LGBTI individuals. The recorded obscenity was indicated to have occurred because of their sexual orientation and gender identity. Many of the victims who experienced obscenity and were reported to the police received discriminatory treatment from law enforcement officials.

64. A total of 16 cases were acts of **disseminating personal data** aimed at humiliating, humiliating and damaging the way of life of the LGBTI individuals who were attacked. Although the distribution of personal data has been accommodated in Article 26 of the ITE Law. However, sensitive data such as the birth names of transgender women, as well as data related to a person's sexual orientation, have so far been excluded from the ITE Law.

65. It was recorded that one incident of **material destruction** was carried out by residents due to hatred of gender identities and different sexual orientations. Although in the Criminal Code, material destruction is punishable by Article 406, the perpetrators of vandalizing LGBTI property are not charged with this crime. This is due to the reluctance

of the victim to report the case to the police. This reluctance is thought to be due to the victim's fears of further discrimination.

66. As many as 23 incidents were recorded as **arbitrary arrests** made by law enforcement officers without sufficient preliminary evidence or arrests that were not in accordance with the provisions of the Criminal Procedure Code. These arrests have always been linked to raids on localization sites for sex workers and gatherings and events organized by LGBTIQ groups.
67. There were 11 cases of **detention**, nine of which were carried out by law enforcement officials, through orders from government agencies. The perpetrators are also suspected to be public officials involving the police, regional leaders and social services. Of the 11 detentions carried out by law enforcement officers, some of them, based on the recorded chronology, the reasons were based on stigma and hatred based on the victim's identity as LGBTI.
68. Seven incidents were recorded as acts of **extortion**, of which four were committed by individuals or Unknown Persons, and the other three were carried out by Law Enforcement Officials and Social Service Officers. From the seven incidents, it can be seen that some of the extortion that occurred was actually carried out by law enforcement officers and social services as state officials. So even though extortion is accommodated in Article 368 of the Criminal Code, for LGBTI victims, often the perpetrators of this extortion are law enforcement officers or state officials themselves.
69. A total of 12 incidents constituted **torture** of LGBTI committed by public officials or people under the command of public officials.
70. As of 2017, 17 acts were **raids** on events carried out by LGBT groups by religious fundamentalist groups and the police.
71. There were 6 incidents of activities of **permission and administration blocked** because they were considered to be against decency and contrary to public order as justification for discriminating against LGBTIQ holding events and gathering peacefully.
72. The 11 acts constitute the **disbandment** of LGBTIQ group events and a violation of freedom of expression.
73. As many as six incidents were **rapes** carried out under the pretext of "cure" LGBTI individuals.
74. There were 9 **murders** that directly targeted LGBTIQ individual
75. There were 67 cases of **intimidation**. Intimidation is carried out both in family, workplace, school, university where the perpetrators listed are cadres of community

organizations, officials of a private institution to public officials. Intimidation in this report, not only in the form of threats of violence, but also jokes, bullying, and discriminatory actions based on this, not only in the form of threats of violence, but also ridicule, bullying, and discriminatory actions based on their SOGIESC

76. 14 incidents of **corrective efforts** made by families to LGBTI individuals. The goal is to heal from different gender identities and sexual orientations. However, corrective efforts are not only therapy, but actions of torture, discriminate and degrade LGBTI with the purpose to change LGBTIQ individuals to be more accepted by uniformly society. Examples of corrective effort such as forced use of gender-specific clothing, forced hair cutting, dousing directly from fire hoses and other acts that are not only inhumane but normalized in Indonesia.
77. In a total of 27 incidents were an act of **expulsion**, expulsion were carried out starting from the smallest institutions, like families, neighbourhood units to the evictions who are coordinated by law enforcement officers together with religious fundamentalist organizations. Expulsion usually occurs because LGBTI individuals come out unintentionally, leading to excommunication by a family or neighbourhood. Expulsions are also usually carried out by the family for reasons of shame. Evictions carried out by local neighbourhood are usually carried out on groups of trans women who live in a rented house or lesbian couples. The reason for the expulsion by neighbourhood is usually done because they are afraid that their area will get bad luck.
78. A total of 3 incidents were acts that were allegedly **unilateral dismissals** due to different gender expressions and sexual orientations. Unilateral dismissal was carried out because of the expression of LGBTI individuals. For example, women who look more masculine are suspected or known to be part of the LGBTI group and are mysteriously fired or dismissed for irrational reasons.
79. From the series of findings above, as many as 38 incidents involved family actors as perpetrators of human rights violations, 8 events involved state apparatus. The actors referred to as state apparatus are actors who work in the executive, judicial, legislative and high state bodies from various levels. Furthermore, as many as 47 incidents of human rights violations involved Law Enforcement Officials, both from the police and the army.
80. The total number of victims was 1850 people. **Most of the victims are transgender women with a percentage of violence at 88%**; followed by violation of 10% Gay Bisexual and Queer men; and **2% incidents of injustice against Lesbian Bisexual and Queer women**; and less than 1% of incidents of injustice against transgender men.

Suggested adoption of issue

81. *Ensuring law enforcement officers and other instruments get an increased understanding and perspective of Human Rights and SOGIESC in the implementation, duties, functions and authorities*
82. *Strengthen the national legal framework to protect LGBTIQ people in Indonesia from discrimination on the grounds of sexual orientation, gender identity, and gender expression. To that end, the government must support the civil society's initiative for the formulation of a comprehensive anti-discrimination legislation for the protection of the rights of minorities and other vulnerable groups.*

Access to Education for Trans and LBQ Women

83. Trans and LBQ women still face discrimination in education. Narratives that portray LGBTI people as deviant and amoral prevent them from experiencing inclusive education. A research in 2017 found that 17% LGBTI people experienced bullying in school.¹ Many schools also force heteronormative and cisnormative values through insensitive administration, lack of gender friendly toilet, and staff's attitude toward young trans and gender diverse people.²
84. Despite of mounting evidences of discrimination and bullying in schools, the government does not have adequate data about number of trans women in schools. The cisnormative values in official censuses and surveys make trans women practically disappear in the record. For example, the National Statistic Agency only provides percentages of men and women attending each stage of education during 2019-2020³, ignoring the existence of trans people.
85. The lack of data makes the civil society can only rely on research projects that provide sporadic information about the level of education of trans and LBQ women. These research results often show that the many trans and LBQ women do not fulfil the mandatory 9 years of education. For example, a research on access to HIV-related health-seeking behaviour among transgender in 2015 found that 42% of transwomen

¹ Purba, 2017, Laporan Penelitian, pendokumentasian dan pemantauan Situasi HAM dan Akses Keadilan Kelompok LGBTI di Indonesia, Jakarta; Arus Pelangi.

² Laporan JTID Conversion Therapy

³ Badan Pusat Statistik, *Statistik Pendidikan 2020*, (Jakarta: Badan Pusat Statistik), accessed through <https://www.bps.go.id/publication/download.html?nrbyfeve=MzQ3Yzg1NTQxYzM0ZTkYWU1NDM5NWEz&xzmn=aHR0cHM6Ly93d3cuYnBzLmdvLmIkL3B1YmxpY2F0aW9uLzlwMjAvMTEvMjcvMzQ3Yzg1NTQxYzM0ZTkYWU1NDM5NWEzL3N0YXRpc3Rpay1wZW5kaWRpa2FuLTlwMjAvMTEvMjcvMzQ3D&towardfnoarfeauf=MjAyMS0wOS0xOSA0NTowMDoyNg%3D%3D>, Pg. 17.

underwent high school, 28% middle school, 23% primary school, and 5% university.⁴

86. There are private efforts to provide more inclusive education for trans and LBQ women. For example, in 2008, a group of people established the Al-Fatah Islamic Boarding School, a boarding school based in Yogyakarta that accepts trans women as students. However, even these inclusive spaces receive constant threats. In 2016, an extremist religious group with the help of the local government attempted to close the boarding school.⁵
87. Higher education facilities also failed to provide inclusive space for LBQ and trans women. In early 2016, the Minister for Research, Technology and Higher Education, Muhammad Nasir banned activities of Support Group and Resource Center on Sexuality Studies (SGRC) at the University of Indonesia because the center was deemed of propagating LGBT.⁶ Since 2016, the University of Andalas in West Sumatera and the State University of Gorontalo also filtered students who are deemed to be part of LGBTI group and threatened to stop their scholarship.⁷
88. The access to inclusive and non-discriminatory education becomes more difficult to be obtained as LGBTI people are considered as threats to children. There is an assumption that children should be shielded from LGBTI behaviours so that they will not be 'infected'⁸ Any attempt in providing more inclusive space for trans and LBQ women in schools and universities can be easily portrayed as threats.
89. All of these situations do not reflect the rights that are guaranteed by the CEDAW. The Article 10 of the CEDAW stipulates that the state parties should eliminate discrimination in order to ensure women to have equal rights to education. Discrimination, bullying, and limitation of access demonstrate that trans and LBQ women do not enjoy the rights to education equally to their counterparts.
90. Outside of formal education, the media also provides the hurtful images of trans women. In 2008, there was a reality show with transgender women as the main characters. The

⁴ Prabawanti, Ciptasari et al. "A survey on HIV-related health-seeking behaviors among transgender individuals in Jakarta, based on the theory of planned behaviour," *BMC Public Health* (2015) 15:1138

⁵ Irwan Syambudi, "Suka Duka Para Waria Belajar Agama di Pesantren Al Fatah Yogyakarta", *tirto.id*, 5 Juni 2019, accessed at <https://tirto.id/d9uV> on 25th May 2020.

⁶ Herianto Batubara, "Menristek: Saya Larang LGBT di Semua Kampus, Itu Tak Sesuai Nilai Kesusilaan!" *detiknews.com*, 24th January 2016, accessed at <https://news.detik.com/berita/d-3125654/menristek-saya-larang-lgbt-di-semua-kampus-itu-tak-sesuai-nilai-kesusilaan> on 19th September 2021.

⁷ Dina Listiorini and Dédé Oetomo, "Teror akademik masih membungkam wacana keragaman gender dan seksual di kampus Indonesia," *theconversation.com*, 15th September 2021, accessed at https://theconversation.com/teror-akademik-masih-membungkam-wacana-keragaman-gender-dan-seksual-di-kampus-indonesia-167202?utm_source=facebook&utm_medium=bylinefacebookbutton&fbclid=IwAR0WLJEqawiS0lr5Vavxj6dvdZc6zc5cezdZmm_14QpaR3R-XQf1CW6mX2A on 19th September 2021.

⁸ For example see the stance of LGBT in regards to child education in Laurensius Arliman S, "Dinamika dan Solusi Perlindungan Anak di Sekolah," *Jurnal Selat Vol. 4(2)*, (2017).

reality show attempts to align the participants with cisnormative ideas, naming itself as “Be a Man”. The participants underwent military training and were expected to be masculine.⁹ These forced stereotype of what trans women should be is a direct violation of Article 10 (c) that prohibits stereotyped concept of the roles of man and women at all level and in all forms of education

Suggested adoption of issue

91. *Support inclusive education for diverse sexual orientation and gender identities students in all levels of education.*
92. *State parties should encourage education centers to be responsive to bullying and harassment experienced by students who have different sexual orientation and gender identities.*

Access to Work for Trans and LBQ Women

93. Since becoming LGBTI is still perceived as a moral deviation by many Indonesian, many trans and LBQ women have yet to obtain equality in the field of employment as it was stated in Article 11 of the CEDAW.
94. For trans women, discrimination starts in the recruitment process. Many job vacancies explicitly state male and female only applications, thus eliminating their chances of applying for the job. Even if they can enter the selection process, many of them experienced discrimination in the interviews. The interviewers often rejected them when they saw that their sexual orientations or gender identities are different from the majority.¹⁰
95. When LBQ and trans women are accepted in the jobs, they would often receive harassment and bullying. In a survey, most workers feel uncomfortable with the idea of having LGBT supervisors or co-workers as they perceive them as deviant and wrong. These perceptions influence them to tease and harass LGBTI workers, including LBQ and trans women.¹¹
96. This recruitment process that discriminates against LBQ and trans women is a blatant violation of Article 11 (b) regarding the same employment opportunities. Many trans women are further unable to access work because their access to education, as it was

⁹ Laporan JTID Conversion Therapy

¹⁰ M.V. Lee Badget, Amira Hasenbush and Winston Ekaprasetya Luhur, “LGBT Exclusion in Indonesia and Its Economic Effects,” The Williams Institute, pg. 14-15

¹¹ International Labour Office, (2016). PRIDE At Work: A Study On Discrimination At Work On The Basis Of Sexual Orientation And Gender Identity In Indonesia. Geneva: International Labour Organization.

mentioned in the previous section, is limited.

97. As a result of these constant discrimination and segregation, many trans women chose to be sex workers or street singers. These jobs are risky since they are subjected to strict public ordinance rules. The administrative policies employed by local governments can arrest and detain them. Those who become sex workers also face the possibility of closing of localisation, making them more vulnerable to STD.¹²

98. Not only threatened by the public ordinance regulations, informal workers will have less access to social security benefits. Therefore, trans and LBQ women who work in informal sectors have yet to enjoy the same rights as it is mandated in the Article 11(e) of CEDAW.

Suggested adoption of issue

99. *Support inclusive work for diverse sexual orientation and gender identities students in all aspects of work environments.*

100. *Provide strong support and adequate investment for the implementation of the newly ratified ILO Convention no. 190 regarding violence and harassment at the workplace to tackle SOGIE-based violence and harassment in the workplace against sexual and gender diverse women to create a safe and decent workplace for women in all diversity.*

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¹² Sanggar Swara, "Jalan Panjang untuk Penerimaan: Analisis Situasi Transpuan di Indonesia", Pg. 32

