

UNIVERSAL PERIODIC REVIEW INDONESIA

Joint Submission on LGBTIQ Right for Indonesia's Fourth UPR Cycle By the Indonesia National Coalition of the Marginalised Group against Discrimination on the basis of Sexual Orientation Gender Identity (SOGI) March 2022



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I. INTRODUCTION

1. This report is a joint submission of 33 non-governmental organisations and community groups working on LGBTQIA+ Rights and marginalised community rights incorporated in the Indonesia National Coalition of the Marginalised Group against Discrimination on the basis of Sexual Orientation Gender Identity (SOGI). The coalition is convened by the Crisis Response Mechanism (CRM) Consortium, Free To Be Me (FTBM) and the ASEAN SOGIE Caucus. Aside from the convenors, the organisations which have contributed to this report are Arus Pelangi, Cangkang Queer, Circle of Imagine Society Timor, Deaf Queer Indonesia, Federasi Serikat Buruh Persatuan Indonesia, GAYa Nusantara, GWL-INA, Rojali Papua, Jakarta Feminist, Jaringan Equals Indonesia, Jaringan Transgender Indonesia, Kolektif Intersex, Komunitas Sehati Makassar, Lentera Anak Pelangi, Lembaga Bantuan Hukum Masyarakat, Perempuan Mahardika, Rojali Papua, Rumah Cemara, Persaudaraan Korban Napza Indonesia, Indonesia Planned Parenthood Association, Pondok Pesantren Waria Alfatah Yogyakarta, SGRC, Sanggar SWARA, Solidaritas Perempuan, Srikandi Pasundan, Tarena, Transmen Indonesia, Youth Interfaith Forum on Sexuality (YIFoS), Yayasan Akbar Sumatera Barat, Yayasan Kebaya. Descriptions of the organizations can be found in Annex 1.
2. In this report, the organisations would like to bring to attention the assessment of Indonesia UPR 3rd cycle recommendation's implementation, which remain unimplemented, along with the worsening violations of LGBTQIA+'s rights given the multi-dimensional impact of the COVID-19 pandemic.
3. This report is based on primary data collection through surveys, interviews, and national consultation with LGBTQIA+ rights defenders. Secondary data collection through desk review and media analysis was done to supplement the information.
4. From 2018 to 2021, violations of the rights of LGBTQIA+ persons persisted but were not consistently documented. The lack of legal protection, widespread discrimination and institutionalised bias have led to the denial of access to public services, including education, health care and housing. Furthermore, negative stereotypes against LGBTQIA+ persons have been perpetuated through some government officials' policies and practices, leading to unprecedented attacks and backlash against the LGBTQIA+ community, including (hate) killing.
5. In addition, during the period, the local regulations that criminalise same-sex behaviour remain unshackled. The surge of local policies and draft national law on 'family resilience' further violate the LGBTQIA+ rights given its content on compulsory religion 'conversion therapy'. In alignment with that, the LGBTQIA+ group call for the Government of Indonesia to legislate a comprehensive anti-discrimination policy that protects all persons from all forms of discrimination based on sexual orientation, gender identity and gender expression in all settings.
6. Within this submission, we use LGBTQIA+ as a broader term in this report where Lesbian, Gay, Bisexual, Queer, Intersex and Transgender are included.

II. SUMMARY OF THE IMPLEMENTATION OF THE UPR THIRD CYCLE RECOMMENDATIONS ON LGBTQIA+ RIGHTS IN INDONESIA

The Government of Indonesia (GoI) received 12 specific recommendations on LGBTQIA+ rights in the third UPR cycle. Two recommendations from Ireland and Norway were supported, with the focus on ensuring a safe and enabling environment for LGBT rights defenders, repealing discriminatory local policies as well as taking action toward discrimination against LGBT.¹ Lamentably, the LGBTQIA+ group witnesses and is experiencing a worsening situation in regards to civic space, democracy and human rights protections within the period of 2017 to 2022. Furthermore, the COVID-19 pandemic amplifies the deterioration of the situation as it forges a multidimensional crisis that affects LGBTQIA+'s livelihood, access to health services, education, and fundamental freedoms. Moreover, from the survey and national consultation², it is evident that GoI has not implemented the recommendations received in the third UPR cycle. Furthermore, the lack of actions contributes toward worsening denial and violation of LGBTQIA+'s rights across the nations, with emblematic cases in Aceh and Papua.

7. LGBTQIA+ group shared observations on the backsliding of democracy and civic space in Indonesia. The regression showed by the 2020 Economist Intelligence Unit's (EIU) annual democracy index, as it is ranked Indonesia 64th (out of 167 countries) with a score of 6.3, which signifies Indonesia's lowest score in the past decade. The persecution of activists, including LGBTQIA+ rights defenders, for their peaceful political activism, was one of the significant incidents that caused Indonesia's democratic index ranking to decline. Activists and individuals who criticised the severe and numerous human rights violations in Papua, in physical and digital spaces, were subject to smear campaigns, surveillance, and possible public persecution as they had private information revealed through doxing.
8. The CIVICUS report rated Indonesia's civic space as 'obstructed'.³ Furthermore, the 2021 Report Freedom House on Indonesia reported how the pandemic fueled digital repressions. The country's internet freedom score stands at 48, declining from the previous year and categorizing the country as 'partly free'.⁴ This decline occurred due to an increase in disinformation and pro-government propaganda, and technical attacks targeting activists.
9. 68% of survey respondents reaffirmed by the LGBTQIA+ participants in the national consultation felt that the recommendation on providing legal protections to ensure LGBTQIA+ freedom of expression, assembly, association and religion or belief had not been implemented. The absence of legal protections led to persecution, normalisation of the use of violence, ill-treatment and torture by the extremist group, police and the public order officers (Satpol PP). Moreover, some of this state-led violence resorted to sexual violence of transwomen⁵. Furthermore, Arus Pelangi (a national LGBTQIA+ group) documented one hate killing of a transgender person in 2019 and five attempted murders in 2018.⁶
10. 87% of survey respondents confirmed that the GoI, including the national and local governments had not implemented the recommendation to repeal discriminatory local bylaws, including Aceh. The inaction resorted to the significant surge of (local) policies and official statements that have the potential to criminalize and discriminate LGBTQIA+ individuals or organizations.

- Between 2018 to 2020, there are 11 local regulations on family resilience (including Aceh's Qanun no.5 the year 2021). The local regulation on family resilience interject penalization of same sex behavior, and include compulsory religion based 'conversion therapy' that proven to be harmful to LGBTQIA+ individuals. The local regulations was passed within these areas: South Bangka Municipality, West Sumatera⁷, Tangerang⁸, West Kalimantan⁹, Tasikmalaya¹⁰, West Pasaman Regeant, Bengkulu¹¹, West Nusa Tenggara¹², Pekalongan¹³, Bangka Belitung¹⁴, Banjarnegara¹⁵.
 - Furthermore, there are issuance of five official memos against LGBTQIA+, approval of local regulations to prevent and address sexual deviation in Bogor, sanction and fine against LGBTQIA+ as part of West Sumatera public order local regulation (No.10, the year 2018), among others. At the national level, the draft national regulation on family resilience¹⁶ and the draft revision of the criminal code is currently being discussed by lawmaker. These national and local regulations increase the potential of heightened discrimination, violence and even criminalise LGBTQIA+. Against this backdrop, the effort from NHRI to advocate the cancellation of passage on local ordinance (in Depok, West Java) against LGBTQIA+ needs to be applauded.
11. The LGBTQIA+ group extol NHRI's effort to include LGBTQIA+ defenders within the standard norm and regulation for human rights defenders¹⁷ and the women's commission letter on the protection of LGBTQIA+ rights defenders. Nevertheless, 49% of survey respondents affirmed that the Gol had not implemented recommendations to create an enabling environment for human rights defenders, including LGBTQIA+ rights defenders. The absence of protective law on defenders contributed toward the increase of intimidation and violence by state and non-state actors toward LGBTQIA+ rights defenders, especially those working on Papua and environmental justice issues. These ramifications showed significant increases in digital and physical threats, including death threats and "correction therapy".
 12. The Gol has not implemented recommendations on educations programmes to address SOGIE based discrimination as 38% of survey respondents highlighted the absence of curriculum and implementation of the anti-discrimination programme at school. Furthermore, transwomen face discrimination in the university.
 13. According to CRM research and information obtained in the national consultation, COVID-19 forged a multi-dimensional crisis for LGBTQIA+ individuals and organisations. Many who don't have a national ID or have not used the identity within the ID are excluded from the government response programme and direct financial assistance. Furthermore, livelihood and economic resources were severely affected, leading to food scarcity, inability to access health services and dropping out from education.¹⁸ The crisis led to heightened anxiety and other mental health problems as well as domestic violence (including online).

**III.
THE SURGE OF
DISCRIMINATORY
POLICIES AGAINST
LGBTQIA+ : VIOLATION
OF EQUAL PROTECTIONS
BEFORE THE LAW¹⁹ AND
RIGHT TO EQUALITY AND
NON-DISCRIMINATION²⁰**

14. In the national law, same-sex behaviour is not a punishable act in Indonesia, but it is regarded as “perversion”, and to publicise such action is considered pornography, which is punishable by a minimum of 6 years imprisonment and a maximum of 12 years imprisonment.²¹ However, some local regulations tend to punish same-sex behaviour. Unfortunately, the GoI neglected the UPR third cycle recommendation to address discriminatory law against the LGBTQIA+ community, including local regulations. The absence of the GoI effort fosters a significant increase in discriminatory policies against LGBTQIA+, especially at the local level.
15. The discriminatory local policy utilises the guise of ‘family resilience’ and or ‘public order’ with content on compulsory religious-based ‘conversion therapy’ for LGBTQIA+. From 2017 to 2020, there are at least 11 local regulations on family resilience (including Aceh’s Qanun no.5 the year 2021), issuance of five official memos against LGBTQIA+, approval of local regulations to prevent and address sexual deviation in Bogor, sanction and fine against LGBTQIA+ as part of West Sumatera public order local regulation (No.10, the year 2018), among others.
16. Despite the constitutional guarantee of everyone to be free from all forms of discrimination, Indonesia does not have a law that specifically prohibits discrimination on the grounds of sexual orientation and/or gender identity, opening a wide gap of interpretation and subjectivity at the implementation level. As a result, the LGBTQIA+ community has to face constant legal uncertainties regarding accessing their rights or seeking redress for any violations of their rights on the grounds of sexual orientation and/or gender identity. The lack of definitive legal standards to protect the human rights of LGBT people in Indonesia has been used by intolerant groups to further their agenda to criminalise same-sex relationships.
17. In 2020, Aliansi Cinta Keluarga (The Family Love Alliance) submitted the draft of the family resiliency bill to lawmakers. The draft bill stipulated that family members should report any “sexual misconduct”, including homosexuality. The bill also includes the responsibility to ‘homosexual’ and their family to report and seek religious-based ‘conversion therapy’.²² In addition, the Family Love Alliance also advocate to include criminalisation of sexual ‘deviant’ in the draft anti-sexual violence law. Moreover, the draft law on anti-propaganda against sexual deviant was included in the 2020 legislative priority. Furthermore, the draft criminal code revision still includes same-sex adultery. In this regard, participation of human rights groups, especially LGBTQIA+ organisations, in developing local and national policy has been non-existent.
18. In 2020, a Pew Research Institute poll found that 9 percent of Indonesians agreed that homosexuality should be accepted by society, an increase from only 3 percent in 2013.²³ Nevertheless, the improvement of public acceptance doesn’t translate to public official attitude as various high officials especially provincial and local leaders made statements stigmatizing and discriminating against LGBTQIA+ community in Indonesia throughout 2017-2022. These statements had instigated and encouraged violence and discriminatory treatment from state apparatuses, intolerant groups and the media. The following are some examples of the discriminatory incitements made by Indonesian high public officials:

- In 2018, Padang Mayor (Ansharullah) said that LGBT persons are possessed by spirits and therefore need to be 'corrected'. In alignment with that raid and arrest of LGBT individuals are permitted, moreover transwomen need to be mentored by the army to 'correct' their deviance.²⁴
- In 2019, the Secretary General of National Family Planning Board (Nofrijal) said that LGBT is the major enemy of Indonesia development.²⁵
- In 2020, Bangka Belitung Governor (Erzaldi Rosman) said that LGBT is a national challenge that needs to be urgently addressed. ²⁶
- In 2020, Depok Mayor (Mohammad Idris) said that LGBT is a virus that needs to be contained (through raid) and conversion efforts should be made available.²⁷
- In 2022, Head of Law and Human Rights Unit in Bogor City Government (Alma Wiranta) said that the local regulation no 10 year 2021 was created to contained contamination of sexual deviance.²⁸

IV. VIOLATIONS OF THE RIGHT TO FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY²⁹

19. In correlation with violation of the right to privacy, the advancement of surveillance technology and state control over internet user data also contributes to the climate of fear for LGBTQIA+ individuals to express their opinion, especially in social media.
20. Indonesians' right to freedom of association is acknowledged and protected by Law No. 9 of 1998 and the 1945 Constitution. Unfortunately, the protection of freedom of association still face challenges, particularly towards minority groups in Indonesia, including LGBTQIA+. A newly amended Law further exacerbates the condition passed in 2014 that regulates civil society organisations and NGOs' functions and obligations. Challenges to enjoy the freedom of association mounting in 2020, where the Ministry of Law and Human Rights unofficially instructed that the organisation's registration should not include any name/ terminology of 'transgender', 'lesbian', 'trans(women)'. Al-Fatah Islamic boarding school for transgender people was being asked to change their name, given the inclusion of 'waria'--transwomen'. Youth queer collectives on interfaith (YIFoS) organisation's registration was declined due to 'perceived negative understanding among society'. National trans alliance (JTID) was also requested to change their name by the notary before registering.
21. International standard on freedom of assembly does not require obtaining permission from the police. In alignment with that, Indonesian law no.9 1998 (article 13) confirmed that police permission is unnecessary to organise an event (including assembly). Nevertheless, police often use the credence of absence of authorisation to disband public gatherings and assemblies of LGBTQIA+, especially transwomen. Despite permission given by the police, disbandment of events persist, as seen in the trans sport and art gathering in South Sulawesi (2017 & 2018) and the 2018 trans beauty pageant in Bali.

**V.
VIOLATIONS OF THE
RIGHT TO FREEDOM
OF RELIGION OR
BELIEFS**

22. Aceh's local regulation (Qanun) required transgender to only wear prayer clothing as per the designated female/male at birth or female/male assigned at birth. In other parts of the country, the dismissal of LGBTQIA+'s FoRB also leads to persecution and violence, as experienced in the raid of the only Islamic boarding school for transgender in Jogjakarta (Al-Fatah).

VI. VIOLATIONS OF THE RIGHT TO PRIVACY³⁰

23. The COVID-19 expedited robust online data collection technology in Indonesia, which increased the risks of privacy rights' violations. There were 204.7 million internet users in Indonesia as of January 2022³¹. However, SAFENET reported a digital divide that affects the access of the Internet among minorities and increases online sexual and gender based violence³².
24. However, despite the constitutional guarantee of the right to privacy, there is no pertinent regulation on this matter. Freedom on the net 2021 report highlights the Indonesian authority's purchase of surveillance technology to track LGBTQIA+ activists. In place of this, LGBTQIA+ activists also reported an increase in inauthentic users' attacks against them on social media. The attack takes form as femicide, cyberstalking, and online violence.
25. Moreover, in November 2020, the government released Ministerial Regulation Number 5/2020 on Private Electronic System Operators (MR 5/2020). The MR 5/2020 required a broad range of private electronic system operators in the country to register private data that included sexual orientation. The regulation also provides law enforcement officials direct access to users' data.
26. The breach of (online) privacy and inauthentic user attacks against LGBTQIA+ persons often lead to public outings, intimidation, violence or persecution. LGBTQIA+ activist, Lini Zurlia experienced an attack from inauthentic users on social media³³ which contributed to the fabricated case against her³⁴.

**VII.
STATE-SPONSORED
PERSECUTION:
VIOLATIONS OF
THE RIGHT TO
LIFE, LIBERTY AND
SECURITY OF THE
PERSON³⁵**

27. Hate crimes against LGBTQIA+ are not recognised by law in Indonesia, increasing the vulnerability of LGBTQIA+ community to violence. In 2017 alone, there were 973 cases of violence and persecution against LGBTQIA+.³⁶ The majority of the victims were transgender, especially transwomen. Most LGBT victims of violence are reluctant to report their case or seek legal remedy due to a lack of trust towards law enforcement agencies and personnel.
28. Arbitrary arrests and unlawful searches against LGBTQIA+ individuals (Satpol PP). According to the 2020 report of the national youth transgender group (SWARA)³⁷, persecution is still perceived as the main challenge faced by the LGBTQIA+ community. Furthermore, persecution in private spaces increases as many incidents happen in the hotel rooms, homes, and boarding rooms. The persecution often leads to public outings of sexual identity, HIV status and extortion.
29. Emblematic cases include:
- In 2022, six transwomen in Padang were taken from their rented-house and arrested by the municipality police for disturbing public safety and composure. During the arrest an HIV test was conducted without consent. In addition, the municipality police shared that there is plan to conduct more raids in the rented home that host transwomen.³⁸
 - In 2018, prior to the general elections, the Muslim Society Alliance (Al-mumtaz) raided and disbanded a birthday gathering in Tasikmalaya, which was perceived as an LGBT party. The police and municipal police supported the persecution, and claimed that the use of violence or torture as necessary thing to restore local stability³⁹
 - In 2017, the national police insisted that the arrest of 141 men during a raid on an alleged gay party at a gym in Kelapa Gading, North Jakarta, was legal and conducted according to the 2008 Pornography Law.⁴⁰

VIII. VIOLATIONS OF THE RIGHT TO EDUCATION⁴¹ AND EMPLOYMENT⁴²

30. Discrimination on the basis of SOGIE persists in education institutions, as evident by the issuance of circular letter 'free from LGBT' in University of Andalas, Indonesia University of Education, as well as High School and Junior High School in Bangka Belitung.⁴³

31. Violation of the right to LGBTQIA+ individuals' rights to employment manifested into two ways:

- Restriction during the recruitment process, state-owned companies and private companies due to the 'free from LGBT' recruitment policy by the Gol (village apparatus and civil servant).
 - For example, the selection of civil servants, especially in the Trade Ministry and Attorney General's Office, includes not having sexual orientation 'abnormality', especially transgender. In addition, during the interview process (also known as *test wawancara kebangsaan*), there are questions about the applicant's perceived sexual diversity and choices.
- Workplace discrimination based on SOGIE, often leads to violence and termination. The economic impact of COVID-19 increased multiple vulnerabilities of LGBTQIA+ people as they were targets of unlawful termination.
 - In 2019, 10 police officers in Semarang, Central Java were terminated due to allegations of being Gay.⁴⁴ In addition, many district heads, village apparatus, army and police officers experience fears and termination of position due to the circular no. ST/2694 in 2019 on the firm application of the law against civil servants, police and army who are involved in same-sex relationships.
 - Issuance of dress code rules by private businesses in Bireun, Aceh limits the LGBTQIA+'s freedom of expression. This rule disproportionately affects transgender people and leads to the termination of employment.

IX. VIOLATIONS OF THE RIGHT TO HEALTH AND SOCIAL PROTECTIONS⁴⁵

32. COVID-19 adversely impacted access to health. In place of that, the LGBTQIA+ persons received more exclusion and discrimination in the health facilities. The exclusion and discrimination stem from difficulties in obtaining a national ID, especially for transgender persons. Dismissal of health services includes refusing surgery based on gender identity, as experienced by a transman who requested fibroid uterus removal. The absence of hormonal therapy for the transgender community also remains a challenge.
33. In addition, the COVID-19 pandemic disrupts life-saving medicine for LGBTQIA+ who are living with HIV⁴⁶ as well as reproductive health supplies. The lockdown also affects the supply chain of contraception, especially condoms. The scarcity of condoms is imminent in the provinces and remote areas.
34. On the other hand, the ill-treatment and torture against intersex children persist in the health facilities as they are routinely subjected to unconsented interventions such as genital cutting.
35. LGBTQIA+ highlights the urgent need to get mental health services due to the mounting stress during the pandemic. Unfortunately, mental health services that are not-discriminatory for LGBTQIA+ persons is difficult to obtain, especially in primary health facilities.⁴⁷

X. RECOMMENDATIONS

1. Guarantee the freedom of speech, religion or belief, association and assembly for LGBTQIA+ individuals and organisations.
 - a. Remove all barriers to the legal registration of organizations that are being led by and are mandated to advance the human rights of all LGBTQIA+ persons.
2. Repeal discriminatory laws against LGBTQIA+ and enact comprehensive anti-discrimination legislation and policies which protects all persons from all forms of discrimination based on sexual orientation, gender identity, gender expression and sex characteristics in all settings;
 - a. Repeal laws and regulations, including local policies reinforcing stigma, that can legitimate religious-based corrective efforts against LGBTQIA+ persons. These include but are not limited to the local ordinance on family resilience, the draft national family resilience law, and draft anti-propaganda LGBT law.
 - b. Meaningfully engage human rights and LGBTQIA+ groups and expedite the approval of the draft law on human rights defenders (including LGBTQIA+ defenders) and anti-sexual violence.
 - c. Expand the definition of discrimination within law No.39 the year 1999 by including discrimination based on sexual orientation, gender identities and expressions based on international human rights standards.
3. Conduct periodic comprehensive human rights education towards the public, including civil servants and law enforcement officers, to promote gender sensitivity, inclusion, and non-discrimination on SOGIE.
4. Provide mandatory training on the international standards of non-discrimination to government officials, police, military, prison/detention staff, and the judiciary, emphasising sexual orientation and gender identity.
5. Adopt a national SOGIESC-inclusive labour policy that prohibits SOGIESC-based employment discrimination and supports SOGIESC-affirmative programs in workplaces. This effort should include the ratification of ILO convention no. 190 on anti-discrimination based on sexuality at work.
6. Ensure adequate protection of LGBTQIA+ defenders from reprisals and violence perpetrated by state and non-state actors. This effort includes strengthening the Commission on Human Rights to provide adequate support for LGBTQIA+ defenders whose rights have been violated.
7. Ensure that education policies and school curricula promote the human rights of LGBTQIA+ persons by ensuring access to education and removing discriminatory provisions.
8. Guarantees non-discriminatory access to health, by prohibiting the practice of ‘conversion therapy’ and non-consensual medical treatment on intersex people.
9. Develop and implement policies to provide hormonal therapy for transgender as part of their health insurance scheme.
10. Cease state-sponsored persecution, especially in the private space, against LGBTQIA+ individuals and organisations by reviewing policies utilised to justify the act.

ENDNOTES

- 1 141.58 Ensure that existing legal and constitutional provisions protecting human rights in particular freedom of expression, association and assembly are fully implemented nationwide; repeal discriminatory local by-laws contrary to the Constitution of Indonesia; prioritize progress on equality and non-discrimination, including in relation to lesbian, gay, bisexual and transgender persons; take action to prevent extremist groups from harassing, intimidating or persecuting religious and other minorities; and provide human rights training to officials in the legal and judicial system (Ireland); **Source of position:** A/HRC/36/7/Add.1 - Para. 10

141.56 Take further steps to ensure a safe and enabling environment for all human rights defenders, including those representing the lesbian, gay, bisexual and transgender community and adat communities (Norway); **Source of position:** A/HRC/36/7/Add.1 - Para. 10
- 2 The online survey was conducted with 65 respondents whom represented more than 50 LGBTQIA+ organizations working nationally and locally. The organizations represented view from major islands in Indonesia. In addition, an offline national consultation was organized with more than 40 participants represented LGBTQIA+ activist and organizations in Indonesia.
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- 5 Eramuslim. Indonesian Ulama Council against Trans Peagant, 2018. Accessible at: <https://www.eramuslim.com/berita/nasional/mui-bali-tolak-acara-berbau-lgbt-miss-gaya-dewata-2018.htm>
- 6 Arus Pelangi. Catatan Kelam 12 Tahun Persekusi LGBT, 2019.
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- 8 <https://peraturan.bpk.go.id/Home/Details/105434/perda-kota-tangerang-no-1-tahun-2019>
- 9 <https://peraturan.bpk.go.id/Home/Details/131784/perda-prov-kalimantan-barat-no-10-tahun-2019>
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- 16 <https://www.dpr.go.id/dokakd/dokumen/RJ2-20200214-122745-3039.pdf>,
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- 18 CRM and Kurawal Foundation. *Kelompok Keragaman Seksual dan Gender di Tengah Pusaran Pandemi*, 2021.
- 19 Art 7 UDHR
- 20 Art. 2. UDHR, Art. 26 ICCPR, Art.1 of the Protocol no.12, CEDAW/C/GC/28
- 21 Law on Pornography, No. 44 of 2008, Article 4 (1) and its commentary and Article 29, http://www.dpr.go.id/dokjdih/document/uu/UU_2008_44.pdf
- 22 <https://nasional.kompas.com/read/2020/02/19/08134761/ruu-ketahanan-keluarga-individu-lgbt-dan-keluarganya-wajib-lapor?page=all>
- 23 Jakarta Post. *Survey on Acceptance in Indonesia*, 2020. Accessible at: <https://www.thejakartapost.com/news/2020/06/28/survey-on-acceptance-in-indonesia-gives-hopes-to-lgbt-community.html>
- 24 <https://www.vice.com/id/article/3k95x5/pemkot-padang-gelar-program-ruqyah-paksa-demi-semuhkan-komunitas-lgbt>
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- 36 LBH Masyarakat. Bahaya Akut Persekusi LGBT, 2018. Accessible at: <https://lbhmasyarakat.org/wp-content/uploads/2018/05/Seri-Monitor-dan-Dokumentasi-Bahaya-Akut-Persekusi-LGBT.pdf>
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- 38 <https://langgam.id/resahkan-warga-6-waria-diamankan-satpol-pp-di-andalas-kota-padang/>
- 39 Majalah Tempo, 11 Februari 2018, Laporan Utama, "Nasib Wadam di Tahun Politik", hal.32
- 40 <https://coconuts.co/jakarta/lifestyle/141-arrested-police-raid-gay-party-mens-spa-north-jakarta/>
- 41 Art. 26 UDHR, Art. 13 ICESCR, Art. 10 CEDAW
- 42 Art 23. UDHR, Art 6. ICESCR, Art. 11, 13, 16 [1], [h] CEDAW
- 43 Circular Letter from Local Education Authority in Bangka Belitung No. 421.6/2973/DIS-DIK/2018
- 44 <https://www.bbc.com/indonesia/indonesia-48291732>
- 45 Art.25. UDHR, Art.12(1) ICESCR
- 46 <https://kumparan.com/kanalbali/odha-perempuan-di-bali-saat-pandemi-sulit-mengakses-bantuan-arv-pun-langka-1tuQWOZZzR>
- 47 CRM and Kurawal Foundation. Kelompok Keragaman Seksual dan Gender di Tengah Pusaran Pandemi, 2021.

ANNEX 1.

LIST OF ORGANIZATIONS

List of members of the Indonesia National Coalition of the Marginalised Group against Discrimination on the basis of Sexual Orientation Gender Identity (SOGI) involved in this submission:

1. CRM (Crisis Response Mechanism): a consortium formed in 2018 consisting of 5 organizations namely Arus Pelangi, GWL-INA, Sanggar Swara, LBH Masyarakat and UNAIDS Indonesia. CRM has a focus on mobilizing resources to garner political support among vulnerable groups and the government to prevent and deal with the crisis against sexual and gender minority groups in Indonesia, it is important to do it comprehensively. CRM also collaborates with organizations of other vulnerable groups such as groups of people with disabilities, groups of sex workers, groups of People Living with HIV, groups of drug users, indigenous peoples groups, ethnic and racial minority groups, and religious or belief minority groups. Contact Person: Edison Butar Butar (Ichon) | ichon@crm-consortium.org , Riska Carolina | Ris@crm-consortium.org
2. Arus Pelangi: a federation-based non-profit NGO that has been fighting to defend the rights of lesbian, gay, transgender , and intersex (LGBTI) groups since 2006. Since its founding, this organization has been actively using various international human rights mechanisms to raise the issue of human rights violations experienced the LGBTI community in Indonesia. Meanwhile at the national level, Arus Pelangi is also actively involved in advocacy and campaigning on other more general human rights issues together with other NGOs/CSOs. Contact Person: Ryan Korbarri | ryan@aruspelangi.or.id
3. ASEAN SOGIE Caucus: a network of human rights activists from Southeast Asia. The ASC works for the inclusion of Sexual Orientation, Gender Identity, Gender Expression, and Sex Characteristics (SOGIESC) in the mandate of human rights duty bearers in the ASEAN region. The ASC works for the promotion and protection of the human rights of all persons regardless of SOGIESC in the Southeast Asian region.
Legally registered in the Philippines as Southeast Asia Sexual Orientation, Gender Identity and Expression Caucus (ASC), Inc. (S.E.C. No. CN201516714) located at Unit 15-N, Tower 1, Suntrust Asmara, E. Rodriguez Sr. Avenue Barangay Damayang Lagi Quezon City, Metro Manila, Philippines 1112.
Contact Person: Lini Zurlia, Advocacy Officer (Jakarta, Indonesia Based) | lzurlia@aseansogiecaucus.org | linizurlia@gmail.com
4. Cangkang Queer: a non-profit NGO that works and struggles for the recognition, acceptance and fulfillment of the rights of individuals and communities who have sexual orientation, gender identity, gender expression, and biological characteristics (SOGIESC) who are oppressed or LGBTIQ in North Sumatra. The Cangkang Queer works based on 6 organizational pillars namely Organizing, Education, Research and Development, Advocacy, Campaigns, and Governance. Besides being active in organizing and assisting cases of the LGBTIQ community, Cangkang Queer is also active in networking with Pro-democracy organizations, human rights organizations, organizations dealing with health issues, women's organizations and is also actively involved in major alliances in North Sumatra such as AKBAR SUMUT (Accumulation of anger). North Sumatran people).Contact Person: Ameer Adlian | cangkangq@gmail.com

5. CIS (Circle of Imagine Society) Timor: It is a non-profit organization that works with a focus on change in Healthy NTT; encourage the Government and the Community to be able to access Clean Water and Adequate Sanitation. Disaster Resistant NTT; The community, government and CSOs are aware of the threat of disaster and understand the actions that must be taken before, during and after a disaster. Prosperous NTT; Build village community independence from resources and funds. Communities have strong access to village planning and budgeting. NTT Equivalent; All Households understand equality and replace patriarchal culture with equal culture. No more violence against women. NTT Peace; Become a center for Peace learning with peace building works. To support the above changes in the process, CIS conducts capacity building, campaigns and networks as well as advocacy with marginalized groups namely female heads of household, elderly, disabled, religious & belief minority groups, children and young people including diversity in sexual orientation as part of the recipients. Benefit. Contact Person: Haris Oematan | oematanharis@gmail.com

6. Deaf Queer Indonesia: DQI stands for Deaf Queer Indonesia or the Indonesian Deaf Queer Community. People with different sexual orientation, gender identity and gender expression not only among Hearing People, but also among Deaf friends. We Deaf who are different from the majority of people, continue to learn who we really are and fully. We study our uniqueness. We gather ourselves in this community. Realizing that we are different, but not to be discriminated against. We continue to fight for our rights as people with hearing impairments, while at the same time we are fighting for the rights of those of us who have diverse sexual identities. Community members are not only in Jogja but also in other areas (Semarang, Bandung, Medan, etc.). We organize ourselves. We grow through DQI. From DQI for Indonesia. Contact Person: Raden AI | deafqueercommunity@gmail.com

7. FSBPI: federation of Indonesian union trade unions , an organization that is concerned and focused on the issue of hunting, especially female workers and also criticizes the government when making policies that are not pro-workers, carrying out escorts starting from advocating for cases that are indeed experienced by members on an increased basis. And also actively conducts policy advocacy to ensure workers get their rights. FSBP also focuses on developing and producing women by highlighting women's leadership. Contact Person: Jumisih | dpnfsbpi@gmail.com

8. Free To Be Me Indonesia:
 A coalition with a collaborative spirit that aims to support the realization of a dynamic LGBTIQ+ (including LGBTIQ+ disability) civil society, able to garner public support, and able to exert influence on the government, business actors (private sector) and community leaders to become advocates for social rights- the economy of the LGBTIQ+ community (including the LGBTIQ+ with disabilities) so that the welfare of the LGBTIQ+ community (including the LGBTIQ+ with disabilities) increases. This major goal will be achieved through three paths of change, namely increasing public support, policy changes, and economic development. Ignatia Glory | ignatia_glory@aruspelangi.or.id

9. GAYa NUSANTARA : Pioneer of a gay organization in Indonesia that is open and proud of its identity and does not question the diversity of sex, gender and sexuality as well as other backgrounds. Is a non-profit organization that was founded on August 1, 1987 as an association to fight for awareness of LGBTIQ rights. What GAYa NUSANTARA does is conduct research, publication and education in human rights, sex, gender and sexuality, sexual health and welfare. Provide services and collect information on human rights, sex, gender and sexuality, sexual health and well-being. Pioneering and encouraging the LGBTI movement. GAYa NUSANTARA works locally, nationally, regionally and internationally by networking on issues of sexual diversity, gender and sexuality and human rights. In June 2012 it was approved by the Ministry of Law and Human Rights as a Foundation. Contact Person: Rafael Hendrikus da Costa | rafaeldacosta84@gmail.com
10. GWL – INA:
 GWL-INA is a national network in Indonesia for Gay Men, other Men who have Sex with Men and Transgender Women (Waria), in short GMT. GWL-INA is an independent network that supports Sexual and Reproductive Health and Rights (especially STI & HIV AIDS prevention and treatment) programs in national and international levels, with priorities in community based empowerment and advocacy. GWL-INA National Network was declared in third AIDS National Meeting in Surabaya on 4 February 2007. This network formation was triggered by the need of acceleration and comprehensive HIV response for GMT as important key population in Indonesia.
 GWL-INA National Network is divided into three working areas: Sumatera & Kalimantan Area, Java Area and Eastern Indonesia Area. Since it was established, members of this national network are expanding and reaching broader area. Considering LGBT as a sensitive issue in Indonesia, GWL-INA National Network use a legal name as Gaya Warna Lentera Indonesia in processing legal document. Certified under memorandum of association by notary Stevanus Joseph, SH., M.Kn. Number 4, dated on 22 July 2012. VISION : To be an empowered and actively involved organization and network in creating safe and supportive environment without stigma and discrimination through human rights based approach for GMT communities in Indonesia. Contact Person: Muhammad Slamet | mslamet@gwl-in.or.id
11. Inti Muda Indonesia: Inti Muda Indonesia is an organization in the form of an association led by youth of the key population, which was established to respond to the situation faced by the young key population in Indonesia related to the Right to Sexual and Reproductive Health. The work of Inti Muda Indonesia is divided into three areas, namely program technical assistance, finance, and organizational management for members; build partnerships with interested parties on youth key population issues; and conduct advocacy as an effort to fulfill the rights of young key populations. Contact Person: Azvian Hamzah | fauziazvian08@gmail.com
12. Jakarta Feminist: Started as a casual discussion group in 2014, Perkumpulan Lintas Feminist Jakarta (or Jakarta Feminist) became a legal entity in mid-2019. We are a feminist community based in Greater Jakarta that aims to promote feminist values in order to achieve gender

equality in Indonesia. Jakarta Feminist is the initiator of the Women's March Jakarta, organizer of Feminist Fest, and creator of Cari Service, a directory for victims of gender-based violence. Muhammad Noval Auliady | Noval@jakartafeminist.com

13. Equals Id : a non- profit foundation founded in 2018 with a focus on advocacy and equal rights of people with HIV and also equal treatment of gender diversity. In addition, it also focuses on education and changing narratives related to HIV and gender issues that are more positive through various social media platforms. Especially focusing on efforts to eliminate stigma and discrimination through a positive Undetectable=Untranslatable campaign for the right to a better life for people living with HIV. Contact Person: Aan Rianto |
14. Indonesian Transgender Network: Indonesian Transgender Network: Indonesian Transgender Network (JTID) is a National Network that is a space to return transgender people to the LGBTI movement and socio-political movements in Indonesia. As well as being a bridge to integrate transgender movements and communities in various regions in Indonesia. Founded by 15 Transgender individuals on November 12, 2019 at 14:10 WIB in South Jakarta. Then in 2020 choose 5 of the 15 founders to be strategic decision makers in developing the work of the organization. JTID has 4 main priorities, namely Organizational Governance, Legal Protection, Social Inclusion and Independence, and Welfare and Health. "The happiest part of our struggle is when we know that we are not alone". Contact Person: Vincent Santosa | santosa.vincent@gmail.com
15. Intersex Collective: Intersex Collective is a non-profit organization that bridges intersex communities and individuals and fights for intersex human rights in Indonesia. Founded by two intersex activists in Indonesia, Nariesta and Asa. Has been active since October 2020. Contact Person: Nariesta Reviana | nariestar3@gmail.com
16. Komunitas Sehati Makassar (KSM): Komunitas Sehati Makassar is a community-based organization that was founded on July 15, 2007. Long before, in 2000, KSM was just a chat community for some gay people who named their group Gim4mks. At that time, there were many cases of violence against LGBT people that just disappeared, without any assistance and advocacy process. Even some LGBT individuals do not dare to reveal the cases of violence that they get. There is no truly safe and comfortable space for LGBT people. Of the many problems and cases at that time, seven young people finally agreed to establish an organization that focused on human rights advocacy for Lesbian, Gay, Bisexual and Transgender (LGBT). KSM was formed with the aim of building self-acceptance, encouraging empowerment, and providing strengthening through capacity building related to SOGIESC and human rights, advocacy and paralegals for LGBT groups. Contact Person: Eman Memey Harundja | eman.ksm@gmail.com
17. LBH Masyarakat: Lembaga Bantuan Hukum Masyarakat is a not-for-profit non-governmental organization that provides free legal services for the poor and victims of human rights abuses; undertakes community legal empowerment for marginalized groups; and advocates for

law reform and human rights protection through legal empowerment, campaigns, strategic litigation, policy advocacy, research and analysis. Established on 8 December 2007, LBHM envisions a future where everyone in the society has meaningful access to justice through participating in the legal aid movement, upholding justice and protecting human rights. Contact Person: Albert Wirya | awirya@lbhmasyarakat.org

18. **Lentera Anak Pelangi:** Lentera Anak Pelangi (LAP) is a mentoring program in the form of support and services for children with HIV. For 13 years, LAP has provided support for children with HIV in DKI Jakarta and has also advocated for the rights of HIV children throughout Indonesia. LAP fights for the fulfillment of the rights of children living with HIV to get equal education, access to child-friendly ARV treatment, and the fulfillment of children's rights to be recognized and involved in decision-making regarding their future. Contact Person: Natasya Sitorus | lentera.anakpelangi@gmail.com
19. **Perempuan Mahardhika:** Perempuan Mahardhika is a mass-based women's organization that politically opposes the entire system that oppresses women namely, patriarchy, capitalism and militarism. Post-Reformation in 2003, Women Mahardhika was born from the development of the people's movement and various sectors of struggle such as workers, peasants, political organizations and student organizations, as a necessity to build a progressive women's movement, the Working Group (POKJA) as the initial form of the Mahardhika Women's organization. Mahardhika women actively take an important role in consolidating the movement and building women's alliances as a means of strengthening, expanding and increasing awareness of women's liberation in the struggle for democracy. Currently in building an organization, Perempuan Mahardhika since 2009 has had a Feminist School program which was expanded to various cities, building structures at the city, campus and factory levels, initiating the formation of Pelangi Mahardhika as a collective LBT (Lesbian, Bisexual and Trans) workers since 2013, has conducted research on domestic violence and gender-based violence against women garment workers, and organized an education program for male labor union administrators and leaders as an effort to strengthen gender mainstreaming work in labor unions. Contact Person: Jihan Faatihah | jihanfatiha@gmail.com
20. **Rumah Cemara:** We dream of an Indonesia without stigma and discrimination, where everyone has equal access to quality health services, the opportunity to grow and develop, and is protected by the constitution. We seek to contribute to the national response to the issue of HIV-AIDS and drug use, formulate policies, and realize national and global strategic plans. Currently, we have formulated a strategic plan for the period 2022-2026 by adjusting the mission from the vision that we still consider relevant. Our mission is to contribute to improving policies on HIV-AIDS and narcotics issues, mainstream knowledge and understanding and synergize with civil society groups that promote human rights issues, expand public support with innovative approaches, increase the ability to be independent, and improve governance. organization so that it becomes a referral system. . We are part of the coalition fighting for the abolition of the death penalty, a more progressive RKUHP, revision of the ITE Law, or the abolition of

laws and regulations that have the nuances of discrimination against minority groups and the issue of gender-based violence. Knowledge in the form of best practices based on monitoring and evaluation, studies, or project implementation reports of our organizational partners are produced and published through various forms of media including papers, compilations of writings, books, or audio-visuals that we promote through social media. The outline of our scope of work is the realization of quality health services and the right to health for every Indonesian citizen. Contact Person: Raditya | raditya@rumahcemara.or.id

21. PKNI (Indonesian Drug Victims Brotherhood): PKNI is a national network organization for drug victims that fights for human rights for drug victims. Contact Person: Rinto Harahap | rintoharahap308@yahoo.co.id
22. PKBI: Established on December 23, 1957, the Indonesian Family Planning Association (PKBI) is a non-governmental organization (NGO) that pioneered the Family Planning movement in Indonesia. PKBI believes that the family is the main pillar to create a prosperous society. The family in question is a responsible family, namely a family that fulfills its responsibilities in the dimensions of birth, education, health, welfare, and the future. Facing various population and reproductive health problems today, PKBI states that the development of its various programs is based on a gender-sensitive rights-based approach and improving the quality of services and taking sides with the poor and marginalized through the motto "struggle for the fulfillment of sexual and reproductive health rights". Contact Person: Riska Carolina | riska.carolina@pkbi.or.id
23. Al-Fatah Waria Islamic Boarding School Yogyakarta:
Is a trans women community organization that is engaged in human rights issues, especially the rights of social justice, religion and health. Established on September 8, 2008, with a vision to achieve prosperity living together and become responsible individuals. It consists of 62 trans women from various regions in Indonesia, but lives in Yogyakarta. Assisted by local networks, such as PKBI, LBH, UIN Sunan Kalijaga, UKDW, Fatayat NU DIY, etc. The Alfatah Islamic Boarding School carries out religious learning activities, advocacy, mentoring the elderly for transgender women, social services, and capacity building training for its members. To answer social problems in the community, the Alfatah Islamic boarding school formed organizational wings, such as: Family support groups, funeral services, Waria Crisis Center and Safe House. Contact Person: Shinta Ratri | ratrishinta33@gmail.com
24. Rojali Papua: is a trans women community-based organization in Jayapura City, Papua Province. This organization was founded on September 15, 2018. Initially, Rojali was formed because of the common hobby of several trans women in the field of volleyball. Over time, Rojali developed himself in various issues, including Law and Human Rights, education, health, ecofeminism issues (keeping the city clean as well as part of community inclusion) and also capacity building related to SOGIESC. Starting from the motto "cultivating togetherness in diversity", Rojali Papua interprets this organization as a family by carrying solidarity and brotherhood. Contact Person: Lolita | rojalipapu2021@gmail.com

25. Sanggar SWARA: Sanggar Swara is a Transgender Women (Transpuan) community-based organization in Greater Jakarta that focuses on empowerment, education, advocacy and campaigning. As an organization that focuses on transgender advocacy and education. Contact Person: Kanzha Vinaa | kanzhavinna@sanggarswara.org
26. SGRC is a non-profit organization founded by young people under 35 years old who are engaged in the study of thought. The SGRC examines matters related to sexuality such as reproductive health, sexual rights, politics of sexual regulation, access to health and sexual education. As time goes by and SGRC enthusiasts come from various disciplines and studies, the SGRC has developed into a center for discussion and sharing of resources for research related to sexuality. Now SGRC has sisterhood affiliations *spread* across universities in Java and Bali. Contact Person: Riska Carolina | ui.sgrc@gmail.com
27. Solidaritas Perempuan : is a feminist organization founded on December 10, 1990. For more than 30 years, SP has worked with grassroots women with a vision to create a democratic social order, based on the principles of justice, ecological awareness, respect for pluralism and non-violence based on a system of equal relations of men and women in which both can share access and control over natural, social, cultural, economic and political resources equitably. As of 2015, Solidaritas Perempuan (SP) has 781 members (women and men) from grassroots communities, activists, academics and private students , spread throughout Indonesia. Together we knit the power of women to fight against all forms of oppression against women and seize women's sovereignty in various contexts. SP has 12 Communities/Branches in 10 Provinces that work directly with 5,771 grassroots women to build and strengthen movements to reclaim women's sovereignty over their lives and lives. Contact Person: Dinda Nisa Yura | nisaa@solidaritasperempuan.org
28. Srikandi Pasundan West Java: Founded against the background of the emergence of problems faced by the community in West Java, especially in the city of Bandung. The problems faced by the trans women community in West Java are health, social, economic, educational and other problems, so they need group support. Meanwhile, existing institutions, both government and social institutions, have not been able to meet the needs of trans women. This is because the needs and support of the transgender group are different from other groups, which were founded on November 9, 2004. Contact Person: Luvhi Pamungkas | esp2104@yahoo.com
29. Terena Aceh: Founded in 2001 O as a non-profit organization with individual membership of Transwomen in Aceh. The focus of the Tarena association is to advocate, assist cases of SOGIESC-based violence, education and empowerment. Aceh is a province in Indonesia with a discriminatory local regulation, namely Qanun jinayat, which has a profound impact on the LGBTIQ group. Contact Person: Citra Farera | tarena.aceh@gmail.com
30. Transmen Indonesia: Transmen Indonesia is the first trans masculine organization in Indonesia which was founded collectively by 21 trans people men in August 2015. Transmen Indonesia

dreams of a just world where the human rights of trans masculine people are recognized, respected, and fulfilled. [Transmen Indonesia is the first trans masculine organization in Indonesia, which was founded collectively by 21 trans men on August 2015. We envision a just world in which human rights of trans masculine people are recognized, fulfilled, and respected. Contact Person| Mario Prajna Pratama | prajnapratama@gmail.com

31. Yayasan Akbar: Established in 2015 with the main mandate of overcoming HIV AIDS and assisting human rights violations to minority groups, along with its journey, the Great Foundation of West Sumatra found discrimination and human rights violations against LGBTIQ groups in accessing treatment which must be responded well so that this culture hopes attenuated against other minority community groups. Contact Person: Nicky | nicksagitarius90@gmail.com

32. Kebaya (Yogyakarta Waria Big Family): was established on December 18, 2006 with Notary Deed No. 38 Notary WAHYU WIRYONO Dated January 22, 2007 Social Organization Registration Number: 188/7367/V.3 NPWP No. 02,336,162.9-541,000
Since 2018, the Legal Status of the Institution has changed to the Yogyakarta Kebaya Foundation with a Notary Deed: HJ. Irma Fauziah SH No. 23, October 17 2018, Decree of the Ministry of Law and Human Rights Number: AHU-0014516.AH.01.04.Tahun 2018 Date October 19, 2018. The Yogyakarta Kebaya Foundation is concerned with issues of HIV / AIDS, Health and Pros, Gender Sexuality, Child Protection, Advocacy and Transgender Community Empowerment. The Kebaya Foundation has managed a special shelter for PLWHA who have been receiving ARV therapy since 2007. Since the COVID Pandemic, the Kebaya Foundation has also carried out disaster emergencies related to COVID and has also provided support for Trans-Women Elderly through the Waria Crisis Center with the Al-Fatah Waria Islamic Boarding School. The Kebaya Foundation has ratified the Child Protection Document. In mentoring and outreach to PLWHA & Transwomen, the Kebaya Foundation networked with Victory Plus and YVI. Contact Person: Kussuma Ayoe | ayukusuma011978@gmail.com

33. YIFoS Indonesia : Youth Interfaith Forum on Sexuality (YIFoS) is a youth-led organization that was founded on March 8, 2010. YIFoS Indonesia works to build peace in the midst of religious diversity and sexuality. Since its establishment, YIFoS Indonesia has provided capacity building for LGBTIQ individuals and allies through the Queer Camp which is held every year. In addition, YIFoS Indonesia is also active in producing progressive interpretations of gender diversity and sexuality, encouraging the participation of religious leaders to speak out for the LGBTIQ community, and opening up space for dialogue related to religion and gender and sexuality diversity. Contact Person: Ael | contact@yifosindonesia.org

