

Indonesia

Persecuting



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QUICK FACTS

Political System | Presidential Republic
Head of State | President Joko Widodo

Population | 267 million (July 2020 est.)
GDP Per capita | NA

EXECUTIVE SUMMARY

Indonesia has consistently scored an F or “persecuting” from 2011–2017 on both the GBGR and the GBTR. The US Department of State (USDOS) identifies “violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons” and “criminalization of same-sex sexual activities at the local level” a significant human rights issues in Indonesia.¹

On the federal level, the Indonesia Penal Code does not prohibit consensual same-sex sexual relations but several provincial ordinances have criminalized same-sex relations at the local level.² These local ordinances force LGBTI organizations to operate underground, threatening them with extortion and/or harassment and assault by law enforcement.³ There is widespread discrimination against LGBTI people in the country, as well as a campaign by several religious groups and government entities calling for conversion therapy as a “cure.” This discrimination often leads to LGBTI people being threatened by their own families and forced into heterosexual marriages, resulting in further domestic abuse and mental trauma.

Background

Indonesia is a presidential republic with a population of 267 million (July 2020 est.). The current president is Joko Widodo who was elected in 2014 and won a second

term in 2019. Around 87.2% of the population identifies as Muslim, 7% Protestant, and 2.9% Roman Catholic.⁴ Religious leaders within Indonesia have perpetuated homophobic rhetoric and calls for national criminalization of same-sex relations, influencing public opinion on LGBTI issues.⁵

According to Outright Action International, LGBTI activists have reported “an escalation in vigilante attacks” of violence against LGBTI people. Therefore, out of fear, “most LGBTI Indonesians remain in the closet.” Due to legal barriers, LGBTI organizations face difficulty in forming and operating despite being allowed to register. Outright Action International cited that “few of these organizations operate openly.”

KEY FINDINGS

Legal Landscape

The Indonesia Penal Code does not prohibit consensual same-sex sexual relations but several provincial ordinances have criminalized same-sex relations at the local level.

The Provincial Ordinance on the Eradication of Immoral Behavior (No. 13/2002) in South Sumatra defines same-sex relations as “immoral behavior.”⁶ Article 281, Offence Against Decency, under the Penal Code states that “any person who “offends against decency” with a penalty of

up to two years and eight months imprisonment, or a fine.⁷ Article 281 has been reported to have been used to criminalize both same-sex relations and transgender individuals.

Similarly, Articles 63-64 of the Aceh Regulation, introduced in 2014, "imposes an interpretation of Sharia law under which same-sex sexual activity is punished with a penalty of 100 lashes and/or up to eight years imprisonment."⁹ Article 63 prohibits consensual sex between men and Article 64 prohibits consensual sex between women.¹⁰ Aceh's Sharia criminal code also makes same-sex activities punishable with an estimated fine of IDR 551 million, or \$37,800 USD.¹¹

Other jurisdictions within Indonesia also enacted laws which restrict LGBTI rights. Batam City Ordinance No. 6/2002 prohibits LGBTI organizations from existing.¹² The Banjar District Ordinance No. 10/2007 on Social Order defines "abnormal" homosexual acts as prostitution, therefore also prohibiting organizations from forming because they are "immoral ... unacceptable to the culture of [local] society."¹³ Other cities with prohibitions include Tasikmalaya, Padang Panjang, Palembang, and Pariaram.¹⁴

Political Landscape

Religious figures have continued to influence the political landscape in Indonesia. Indonesia's largest Muslim organization, Nahdlatul Ulama, advocated for LGBTI activism to be criminalized, driving the "LGBT+ activist community underground, hampering groups seeking to provide services to LGBT+ people."¹⁵ In 2017, the Minister of Defense, Ryamizard Ryacudu classified the LGBTI community as a threat, insinuating that "everyone is brainwashed."¹⁶ Ryacudu claims that "the LGBTI community is demanding more freedom, it really is a threat," because LGBTI people are waging "a proxy war... without anyone realising it."¹⁷

In February 2020, the Family Resilience Bill was proposed by conservative members of Parliament, which would criminalize "surrogacy" and "make provisions for measures to address "families experiencing crises due to sexual deviation."¹⁸ The bill defines homosexuality as "sexual deviation" and would require LGBTI people to undergo government sanctioned therapy.¹⁹ The bill, however, was met with outcry by the public and did not pass.²⁰

Socio-Economic Landscape

The US Department of State reported in 2019 that anti-discrimination laws do not apply to LGBTI individuals, acknowledging reports of families putting LGBTI minors into therapy or arranged marriages.²¹

In 2016, the Indonesian Psychiatrists Association campaigned for conversation therapy, defining homosexuality, bisexuality, and transsexualism as 'mental disorders' which "can be cured through proper treatment."²² Two years later, the Health Ministry "reportedly said that it was publishing a medical guide that classified 'homosexuality' as a mental disorder."²³ Human Dignity Trust reported that during the past three years, "Indonesians have increasingly turned to exorcisms in an effort to "cure" members of the LGBT community."²⁴ From November to December 2019, the Padang police arrested and forced eighteen same-sex couples into "conversion exorcisms."²⁵

Indonesia has yet to pass fair housing and workplace anti-discrimination legislation, leaving LGBTI minorities vulnerable to threats, harassments, and human rights abuses. In May 2017, Andalas University demanded that prospective students identify themselves as not lesbian, gay, bisexual, or transgender before applying and enrolling at the institution.²⁶ To date, LGBTI individuals constantly live in fear of 'exposing' themselves, consequently being denied access to housing, employment, healthcare, and education.

Societal Discrimination

There have been reports of prevalent violence against LGBTI individuals in Indonesia. In May 2019, two gay men were charged under Article 63 of Aceh's Criminal Code after their neighbors broke into their home and recorded them without consent.²⁷ Ten days later, the two men were "publicly caned 83 times" in front of a crowd.²⁸

In January 2020, Depok's mayor, Mohammad Idris, campaigned for "anti-LGBT raids and other measures to prevent the "spread of LGBT."²⁹ Public statements such as Idris' resulted in further criminalization of the LGBTI community. In January 2019, the Aceh police raided numerous beauty salons and arrested "up to a dozen trans employees."³⁰ These employees were "accused of violating the province's religious law." They were stripped of their clothing, "their hair was forcibly shaved and they were made to wear 'male' clothing and speak in 'masculine' voices in custody."³¹

Additionally, the US Department of State reported in 2017 that LGBTI individuals are often threatened by their own families to undergo conversion therapy, being confined indoors, or pressured to enter heterosexual marriage.³² In December 2017, Front Line Defenders, an NGO, reported "dozens of human rights" abuses in Indonesia, including "a crackdown on LGBTI rights in 2016," violent raids of LGBTI gatherings, and violent threats against community leaders and allies.³³

ANALYSIS

The likelihood of Indonesia improving its GBGR and GBTR score remains unlikely. Due to religious leaders' influence over social attitudes, LGBTI people reside in fear of repercussions from their own family, religious groups, and social life. Additionally, the Asia/Pacific GBGR regional score is a 40% or F average "persecuting". Therefore, Indonesia is not an outlier but rather part of systemic, regional marginalization of sexual and gender minorities.

The Global Acceptance Index, which measures LGBTI acceptance level per country through survey data, ranked Indonesia, #150 out of 174 countries from 2014-2017 with a score of 2.8. The low score of Indonesia on both the GBGR/GBTR and the GAI indicates widespread homophobia and transphobia throughout the country. The lack of acceptance highlights Indonesia is unlikely to increase its score. LGBT individuals remains vulnerable to violence in the country unless progressive goals towards equality are met: federal decriminalization of homosexuality, same-sex marriage, legal gender recognition, and protections in other aspects of daily life.

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