

Alternative Report of Indonesia's ICCPR State Report Concerning on the Rights of LGBTI 2013

**Will be reviewed on 107th Session of the Human Rights Committee,
11-28 March 2013 in Geneva**

Indonesian NGO Coalition on LGBTI Issue;

GAYa NUSANTARA, Perwakos, Galeri Sehati, Igama, Ardhanary Institute, Arus Pelangi, Swara, Yayasan Inter Medika, Srikandi Pasundan, Effort, Gaya Semarang Community, PLU, Kebaya, Gaya Celebes, Kelompok Sehati Makasar, Kipas, GayLam, GWL Kawanua, Violet Grey, Putroe Sejati.

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December 2012

Initial ICCPR Alternative Report Focusing on LGBTI Cases in Indonesia
“LGBTI rights violations in Indonesia: we are not here to be destroyed”

Preparation Process

1. This report has been prepared by 20 Lesbian, Gay, Transgender and Bisexual (LGBT) organizations belonging to the LGBTI human rights monitoring association in Indonesia. These organizations are: GAYa NUSANTARA, Perwakos, Galeri Sehati, Igama, Ardhanary Institute, Arus Pelangi, Swara, Yayasan Inter Medika, Srikandi Pasundan, Effort, Gaya Semarang Community, PLU, Kebaya, Gaya Celebes, Kelompok Sehati Makasar, Kipas, GayLam, GWL Kawanua, Violet Grey, Putroe Sejati. They originate from different regions in Indonesia, such as Surabaya, Malang, Kediri, Jakarta, Semarang, Yogyakarta, Bandung, Makasar, Manado, Lampung and Aceh. And also collaborate with Human Rights Working Group (HRWG); an Indonesian Coalition NGO on International Human Rights Advocacy, based in Jakarta.
2. This report represents the outcome of a cooperation among Indonesia’s LGBTI organizations through a workshop on Monitoring and Documentation of LGBTI Human Rights Violations conducted by GAYa NUSANTARA and attended by 21 LGBTI organisations and legal practitioners from several mainstream groups.
3. Data of this report were prepared from the outcome of a Rapid Assesment of LGBTI organizations in 2011 and from new data in preparation of the annual report to be issued concurrently in 2013.
4. This report will serve as evidence of ways in which LGBTI become the target of human rights violations perpetrated by the state, families and communities and based on sexual orientation, identity, gender, and gender expression diverging from the “normal”. The state - in this instance, the Police- does not extend protection to LGBTI.
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A. Legal Framework for LGBTI Issues

Arbitrary on Arrest and Detention

Government Regulation No. 6, 2010 on Public Order Police Units

7. Government Regulation (PP) No. 6, 2010 ratifies the existence, function and role of the Municipal Administrative Police Unit (Satpol PP). Prior to enacting this regulation, there were no regulations at civil service level to organize the Satpol PP. The duty of the Satpol PP is to enforce regional regulations, keep public order and quiet. This regulation is conceptually flawed as it creates a police force at regional level. Additionally, it grants it non-judicial authority to keep order.

The explanation of Article 6 says:

“Non-judicial keeping of public order is a measure undertaken by the Satpol PP in order to keep and or to restore public order against violations of regional regulations and or regulations issued by the head of the region in a manner that is consistent with the provisions of legal determinations and does not require a judicial process”.

8. Although it might seem that the regulation provides some latitude as it does not take the violator through a process of law, to all effects, this regulation immediately revoke the individual’s right to a due process of law. The translation of this regulation, that is, arbitrary arrest and detention, is camouflaged by the language of the establishment. Individuals considered to be in violation, including LGBTI, are apprehended and taken to an institution ran by Social Services. They are not released for several days and this means that their freedom is seized throughout their period of detention.

9. As a consequence of this blurred condition, individuals apprehended and or detained do not enjoy any detainee rights. They may not file for pre-trial, postponement of detention or for the application of detainee minimum standards. The most important issue is that they will not go through a due process of law, meaning that they do not have the right to argue against the reasons for their arrest-detention and to prove their innocence.

10. Cases throughout Indonesia show that transgenders - especially if sex workers - are the target of arrest and detention as they fulfill the criteria of PMKS (suffering from a social welfare problem). They are also ill-treated when in detention.

The construction of two genders (Male and Female) and Heterosexual ideology as an identity of individual

a. Law on Administration of Population

11. This law only recognizes two gender identities, namely, male and female. The result of this interpretation are complicated. In addition to all legal regulations following this structure¹, being of a deviant gender identity such as transgender female to male (*priawan*) or male to female (*waria*)

¹ See Regional Regulation No. 6, 2010 Article 16 “Height at least 160 cm (one hundred and sixty cm) for males and 155 cm (one hundred and fifty five cm) for females.

makes them the target of discrimination and of violence at the hands of the state system, their families and the public, mostly because of the incompatibility between the identity shown on their identity cards and the gender identity they show.

12. The most common type of discrimination takes place when seeking employment or in the work place. A transgender was forced to resign from a teaching position as the discrimination had become unbearable. There are also male to female transgenders who have to change their looks to be able to work in a beauty salon. In a case in Aceh, a female to male transgender involved in a raid, was verbally abused because of his gender identity. In a transgender case, a man was taken to court because he had allegedly falsified his identity to marry a woman, as the man had been born female.

b. The Penal Code

13. The structure female and male and heterosexual is reflected in Article 285 of the Penal Code:

"Any person who with violence or threat of violence forces a woman who is not his wife to have sexual relations with him, will be punished, for the violation, with a sentence of imprisonment up to 12 years".

Consequentially, this article on rape only protects a female rape victim but does not protect a male.

c. Pornography Law

14. Law No. 44, 2008 Article 4 (1) says:

"Any individual is forbidden to produce, make, duplicate, multiply, distribute, broadcast, import, export, offer, trade, hire or provide explicit pornographic material depicting sexual intercourse, including deviant sexual intercourse".

15. The explanation of this article says:

"What is intended by 'deviant sexual intercourse' comprises, among others, sexual intercourse or other types of sexual activities with a corpse or animal, oral sex, anal sex, lesbian and homosexual".

16. Furthermore the law applies legal provisions under Article 29:

"Any person that produces, makes, duplicates, multiplies, distributes, broadcasts, imports, exports, offers, trades, hires or provides pornography as intended under Article 4 para. (1) is liable to a minimum of 6 (six) months to a maximum of 12 (twelve) years incarceration and or a minimum fine of Rp 250,000,000 (two hundred and fifty million Rp) up to a maximum fine of Rp 6,000,000,000 (six billion rupiahs)"

Therefore, this law does not only criminalize sexual activities (anal sex) but also sexual orientations by mentioning lesbians and homosexuals.

Recommendations:

17. Revise Government Regulation No. 6, 2010 by emphasizing that the Municipal Administrative Police Unit (Satpol PP) is not a law enforcement unit and that it may not take any legal action, specifically arrest and detention.

18. Revise all discriminative legal products, specifically the Population Administration Law and the Penal Code.
19. Withdraw and revoke the Pornography Law that criminalizes non-heterosexual sexual orientations.

B. Institution

20. A number of fundamental institutional problems are found in the legal regulations that grant authority, practice discrimination and homophobia. These three issues are causal to institutions perpetrating violations of LGBTI human rights either by commission or by omission. These increasingly serious and repetitive conditions are caused by lack of evaluation of their human rights performance and in fact, in many cases, these actions are considered normal, acceptable and justifiable, such as arbitrary detention, and inhumane and humiliating actions such as harassment and sexual violence.

Municipal Administrative Police Unit (Satpol PP)

21. The *Satpol PP* is a regional level security unit which operate in all over Indonesia. The Satpol PP is not a branch or a member of the Police and this institution operates under the patronage of the regional administration. Through Government Regulation No. 6 of 2010, the Satpol PP is authorized to keep public order and security in the region.

22. On the basis of the authority granted under Government Regulation No. 6 of 2010, with additional regional regulations for each individual region, Satpol PP carries out its duties and in some regions this unit is provided with firearms, such as pistols, as in Jakarta and Surabaya.

23. Often, or in fact, regularly, the Satpol PP conducts raids. These raids are both legal and illegal. Legal, meaning that the unit holds an official order, although such official order is never shown to the party being raided. An over-zealous raid has caused the death of a transgender male to female, Sayeb, alias Elly Susanna, who drowned during a Satpol PP raid in Taman Lawang, Jakarta, on 17th November 2007. After the fact, the Satpol PP deleted all records of the raid for that day. To-date, the Police has failed to continue the investigation with the excuse of insufficient witnesses. The National Commission for Human Rights is not in a position to urge the Police to act professionally.

24. In conducting their raids, the Satpol PP perpetrates many human rights violations. Monitoring records from GAYa NUSANTARA and other LGBTI NGOs in Indonesia on the 2011 Rapid Assesment², recorded that human rights violations during raids were: arrest, raid victims are taken away in a vehicle, the victims are forced to pay money, the victims are forcefully searched including the bag, the victims' personal effects are seized, the victims are beaten. The victims are either thrown on the road or taken to the raiders' office. [There] the victims are ill-treated, vilified and treated inhumanely such as forcing the victims to perform sexual intercourse or to expose their genitals, the victims are beaten and ordered to clean the premises.

² Those who have been forgotten: Human Rights violations against the LGBTI community in Indonesia; 2011 Rapid Assesment undertaken in several cities such as Bandung, Jakarta, Solo, Manado, Makassar, and Semarang by GAYa NUSANTARA in cooperation with LGBTI organizations such as Gessang, GWL Kawanual, Kelompok Sehati Makasar, Gaya Celebes, HIWABA, LBH Apik – Semarang and Arus Pelangi.

25. Almost all such actions, particularly arrest and detention, are arbitrary, without producing an official document and without any information to the families or their community colleagues. Detentions periods are unclear and usually the victims are detained in the Social Services center of each region.

26. Worse still is the reporting of human rights violations perpetrated by the Satpol PP as the victims are threatened. The victims are the continuous target of the Satpol PP's raids and therefore they are unwilling or find it difficult to file a report.

27. To-date, there is insufficient evaluation by central government of regional administrations of Satpol PP.

Recommendations:

28. Urge the central and regional government to evaluate the performance and the practices of the Satpol PP, based on Human Rights. Provide clear judgements for those members of Satpol PP when it has been proven that they have committed criminal actions and conducted illegal operations. The evaluation should involve The National Commission for Human Rights and Women Rights.

29. Withdraw and revoke Satpol PP's law enforcement authority as these units are not a law enforcement apparatus, particularly in cases of arrest and detention.

30. Urge the central government to enact legal norms to regulate Satpol PP, particularly for violations of a legal nature, arrest and detention. Additionally, urge the government to issue a book of guidelines based on Human Rights.

Social Services

31. The Office of Social Services places LGBTI, particularly transgenders, as fulfilling the criteria of PMKS (suffering from social welfare problems) and, hence, they are thrown in together with vagrants and beggars and, as a result, many raids are conducted and transgenders are apprehended and detained under the pretext that they will be counseled in the Social Services detention center.

32. The government says that the PMKS is a counseling scheme but the practice would be more aptly classified as detention. Many LGBTI, after a raid, are apprehended and detained by Social Services under the PMKS scheme. There are Social Services counseling houses/detention centers in almost all cities.

33. Many violations take place in Social Services detention centers, such as: arbitrary detention, degrading acts or other cruel and inhumane treatment as well as corrupt practices. In 2010, from the documentation and monitoring of human rights violations against LGBTI, it was discovered that a transgender was arrested during raid and forced to perform oral sex with the member of the Satpol PP who arrest them. Then she/he was beaten, insulted and relieved of her/his money and throw them into the Panti Sosial Bina Karya (Bina Karya Social House) in Karangkajen, Yogyakarta.

Recommendation :

34. Urge the government to conduct an evaluation on detention practices under the name of PMKS scheme. The evaluation should be based on human rights and with the participation of the National Commission for Human Rights and Women Rights. Should human rights violations be disclosed in the form of criminal actions and illegal practices, then administrative legal sanctions should be applied alongside with a fair, independent and professional legal process.

35. Abandon all arbitrary detention practices. The government should change the transgender category in the PMKS scheme as it cannot be comparable to that of vagrants, beggars or street children. If counseling is to be held for street musicians, this should be done voluntarily with the volunteers, free to move, free to develop themselves and not detained or ill-treated.

36. Urge the government to make legal provisions to forbid detention practices in the Social House or Panti Sosial Bina Karya and provide technical guidance based on human rights in order to reduce human rights and homophobic-based violations.

Police Force

37. Several of the violations against LGBTI in the 2011 Rapid Assessment³ showed that the Police is one of the institutions perpetrating many human rights violations in practices by commission or by omission.

38. The Police is the perpetrator of violations against freedom of expression and peaceful association, by making it difficult to obtain licences or refusing to issue licences without providing any clear legally acceptable justification and by breaking up gatherings and events of expression.

39. In many raid practices involving the Police or the legal process against LGBTI, the Police commits acts of violence and inhumane, cruel and degrading treatment. For instance;

There are cases of 'miscarriage of justice' such as that experienced by Imam Hambali alias 'Kemat' in Jombang [2007-2008]. The case of Kemat and his friends Devid Eko Prianto and Maman Sugianto are cases of errors on identification of the victim and arrest the defendant. Kemat became the defendant because he was gay; so he was tried and convicted (17 years) based on a 'confession' extracted under duress. This error was covered after a series of killings committed by Very Idam Henyansyah alias Ryan and confessed to by Ryan himself. This was the one and only case of rehabilitation and restitution after the police and the public prosecutor admitted to their mistake.

The shooting case of AY, a transgender in Jl. Purworejo Menteng Jakarta on 10th March 2011. Autopsy showed that AY was shot from one meter away and hit on the left end side of the thorax. The autopsy showed that the weapon used was a revolver⁴ (it was suspected that he was shot by a police officer or someone related to a police officer) and the case was reported to the Menteng police but to-date there has been no further information although the Menteng police promised to resolve the case but so far there has been no follow-up.

³ Ibid, rapid assesment, 2011.

⁴ (<http://nasional.kompas.com/read/2011/03/15/14541422/>) . (<http://news.detik.com/read/2011/03/11/214310/1590083/10/senjata-yang-digunakan-penembak-waria-milik-petugas>).

40. In general, legal reports filed by LGBTI to the Police seem to experience a legal process stagnation; slowly the case is frozen and finally it disappears inside the meanders of law enforcement.

41. Generally, in the many forms of assaults and violence perpetrated by groups within society, both when attacking LGBTI events, LGBTI community houses and places where LGBTI gather, the police does not take effective action to prevent or to take legal action against assaults and violence. In fact, it is amazing how the police allows attacks to take place, thus resulting in continuous and repeated human rights violations against LGBTI.

Recommendations:

42. Urge the Police to apply the Regulations of the Chief of the Indonesian National Police on Human Rights and to obey the law.

43. Urge the Police to stop discrimination and abandon homophobia and urge the Police to work professionally on the basis of a just process of law.

44. Evaluate the performance of human rights in cooperation with the National Commission for Human Rights and Women Rights and if human rights violations and criminal actions are found, a just legal action should be taken.

C. LGBTI Situation

45. The LGBTI general situation departs from discrimination and homophobia, in all walks of life. Discriminative behavior and homophobia are the causes of many human rights violations by state perpetrators such as the Police, Satpol PP and directly by institutions such as schools, families and society as a whole. For instance;

“Transgenders may not easily obtain employment if their appearance matches their gender. They have to change their appearance and become masculine as Daniele, a 26 years old transgender, had to do to work in [beauty] saloon X, in Jakarta”.

“Many lesbians and gays experience violence from family and society in the form of direct violence such as physical injuries, psychological or even sexual violence. In addition to the physical issue, many gays and lesbians are believed to be sinners and spreaders of diseases and to have low human values. Many families force their lesbian and gay children to marry, to visit traditional healers; they are raped by members of the family while other are banned from their homes. These are cases of human rights violations against gays and lesbians because discriminative treatment and stigmatization still represent a widespread problem. In some cases of Lesbian, corrective rape happend by family members in order to “cure” lesbians to be heterosexual persons”.

46. Evident patterns in human rights violations against LGBTI:

First, a state player becomes a direct perpetrator: this relates to several cases directly involving the Satpol PP. Several of these cases relate to violence, sexual harassment and discriminative administration procedures.

Second, Neglect by the state system: this relates to several cases of religious-based violence against LGBTI reported to the Police, such as beatings by rogue groups and by citizen groups.

47. The 2011 rapid assessment conducted by GAYa NUSANTARA and other Indonesian LGBTI NGOs in several cities (Bandung, Jakarta, Solo, Manado, Batam, Surabaya, Makasar and Semarang) shows the emergence of a pattern of violations related to ICCPR in a number of articles; Article 26 specifically emphasizes discrimination within the law, Article 9 deals with arbitrary detention, Articles 7 and 10 deal with other inhumane actions aimed at lowering self-esteem, Articles 20 and 21 deal with freedom of association and of expression.

48. Some examples of violations and their patterns:

a. Article 9: Arbitrary arrest and detention of Government Regulation No. 6 of 2010 on Public Order Police Units;

49. Arrest is usually the function of the Satpol PP in their own areas and it takes place during legal and illegal raids. Subsequently, those apprehended are taken to the Satpol PP office or to the Social Services detention and counseling center (Liponsos).

50. In the Satpol PP or in the Bina Karya Social House – Liponsos - the detainees are unable to move freely, are not permitted to go home and are detained for several days without any document or legal determination. They are usually released against payment of ransom or bail.

51. Throughout their detention, LGBTI often become the target of human rights violations in the form of physical violence, sexual harassment and rape (forced performance of sexual services).

“ One night in November 2010 the Public Order Police Unit of the Batam Center conducted a raid against transgenders gathering at Simpang Base camp Batu Aji Batam Centre. Seven transgender were apprehended in the raid. They were forced into the Public Order Police Unit’s vehicle and on the way to the Batam Center unit’s office the amount of Rp 50,000 was demanded from each of them. As they had no money the officers seized their cellular telephones and beat them. On arrival at the Satpol PP office, all transgender were ordered to sweep and wash the office floor. After that, they were ordered to strip naked and, as they refused, the Satpol PP officers forcefully stripped and beat them. They were also forced to have sexual intercourse with the arresting officers and then they were stuffed into car tyres. Ransom money was demanded from transgender who try to free them”⁵.

⁵ Victim’s name and details of the incident were documented in the rapid assessment and undisclosed to protect the victim’s identity, except for a legal process and if ordered by the court.

“5th March 2010, a disabled transgender (deaf and dumb)⁶ was arrested by Satpol PP while playing music and begging at the Tali Ijo crossroads, south of the Duta Wacana Christian University’s campus. On arrival at the Satpol PP office, the victim was taken to the bathroom where the perpetrator threw a pail of water over the victim’s head and yanked his hair. The victim struggled to be free from the grasp of the apparatus but he pulled the head of the victim down and forced him to kneel level with his penis. Then, the perpetrator opened his trousers’ zip, exposed and stuffed his penis into the victim’s mouth and forced him to perform oral sex till the perpetrator ejaculated. The sperm was spilled and wiped over the victim’s face. After he was satisfied with the forced oral sex, the perpetrator threatened the victim by saying, “watch it, if you tell anyone I’ll cut your throat!” and he followed his words with a demonstration of his hand cutting across the throat.”

52. Arbitrary arrest and detention against LGBTI have become a normal practice, without any evaluation or control from Indonesian legal and human rights institutions. Furthermore, there are no injunctions or sanctions applied against the perpetrators.

53. Illegal raid practices ending in arbitrary arrest and detention are closely related to corruption, such as extortion and seizure of LGBTI personal property.

b. Violence and other inhumane and degrading treatment. Articles 7 and 10 and Excessive Use of Force;

54. Among the main practices following arbitrary detention are violence and violent degrading treatment and other inhumane actions.

55. Practices occurring during arbitrary detention usually comprise various forms of violence and violent and inhumane behavior. In the context of LGBTI, these actions are of a sexual nature, such as attacks on sexual orientation and gender identity and physical sexual assaults.

56. Assaults of a sexual nature against sexual orientation and gender identity are a general pattern caused by widespread homophobia at all levels of formal and informal institutions - a view that LGBTI are deviant human beings, they are guilty, they are sinners and the lowest of the low – hence promoting the view and the practice that it is appropriate that they should be treated inhumanely. This happens in many regions, including Aceh, and in other places where Satpol PP operate. In Aceh, transgenders are assaulted and severely beaten up by citizens who refuse their presence and by the syariah religious police. Transgenders are even evicted from their homes and cannot report their cases to the police as no protection is extended to them.

57. Violent action and violent and inhumane treatment in detention are not the monopoly of the Satpol PP as the Police is also involved.

58. Some examples of cases⁷;

⁶ Victim’s name and details of the incident were documented in the rapid assessment and undisclosed to protect the victim’s identity, except for a legal process and if ordered by the court.

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“June 2009, in Blora, Central Java. Ratna (27), a male transgender is engaged to Siti Aminah (17). Ratna has to face the law because the family of the fiancée knows that, physically, Ratna is a female. At the time, the wedding reception was about to take place. However, Ratna was unable to complete the wedding’s administrative requirements. Siti Amina’s family was informed that Ratna was a female. The family and the villagers were angered by this confession. Ratna was attacked by the villagers, severely beaten and dragged to the local police station where s/he became the victim of violence and harassment. Ratna was detained and was not treated for hir injuries. S/he was forced to expose hir genitals, hir breasts were stroked and s/he had to show hir fake penis to the press”.

“One night in November 2010, the Batam Center Satpol PP conducted a raid on transgenders gathered at the Simpang Basecamp Batu Aji Batam Centre and arrest 7 of them. They were loaded into the unit’s vehicle and on the way to the Batam Satpol PP Centre office. The officers demanded Rp 50,000 from each of transgender. As they had no money, they grabbed their cellular telephones and beat them. On arrival at the unit’s office, all transgenders were ordered to sweep and wash the floor. Then, they were ordered to strip naked. As they refused, they were beaten and forcibly stripped and were forced to perform sexual intercourse with officers of the Satpol PP. Then they were stuffed inside car tyres. Ransom money was demanded from the transgender who try to free them.”

59. So far, violent and inhumane actions against LGBTI have been eluding the attention of the legal system. Not one single case has been monitored or has the system/ perpetrators been brought to justice.

c. Violations against freedom of association and freedom of expression, Articles 20 – 21;

58. The violation pattern against freedom of peaceful association and freedom of expression, in many cases involving LGBTI, comprises :

First, refusal to grant licences for a variety of reasons that, in practice, conflicted with the law and applicable procedures. **Second**, disruption at the urging of vigilante groups. **Third**, violent groups’s attacks permitted by the police. **Fourth**, a number of other justifications conflicting with governing laws.

59. Perpetrators hindering LGBTI’s freedom of association and of expression do not only belong to the state system but also include intolerant groups, both religious and secular. This is closely related to homophobia and discriminative actions by the Police and other state institutions.

60. Attacks on these rights occur during various activities, that is, when LGBTI associate to work, associate and express themselves in an event and in their communities/homes. The threat of violence overshadows all their activities.

61. In 2010 it was recorded that many events such as the International Conference of Lesbian, Gay, Bisexual, Transgender and Inter Sex Association (ILGA) taking place in Surabaya on 26-28 March 2010, were forcibly disrupted by intolerant groups and attacked by the Forum of Islamic People (FUI – Forum Umat Islam). And not just them, the Islam Defence Front (FPI) also forcibly dismissed the LGBTI Human Rights workshop ran by the National Commission for Human Rights and Arus Pelangi,

in Jakarta on 30th April 2010. Additionally, the same group dismissed the 2010 Ninth Q Film Festival event taking place in different cities such as Jakarta, Jogjakarta, Surabaya and Makassar.

62. Finally, in 2012, the inability of the security forces to guarantee the implementation of an individual's rights to express and associate freely, that is, when an intolerant group disrupts a discussion event or the launching of Irshad Manji's book "Allah, Liberty dan Love" at the Kafe Salihara, Jakarta in May 2012. Not only in Jakarta, the discussion event at the LKIS office (The Institute for Social Science Research) in Yogyakarta was also disrupted by a group calling itself the Indonesian Council of Mujahidin (MMI). Irshad Manji was accused of being a lesbian by them.

63. The disruption of the the GWL- INA national meeting on 12th May 2010 in Bandung. Gay, Transgender and MSM in Indonesia (GWL-INA) were holding a national meeting. As the meeting was about to start, the hotel management called the event organizers and informed them that the event had to be cancelled because of threats from FPI.

64. The dispersal of World AIDS Day Commemoration in December 2010 in Makassar and the election of "Transgender Caring for AIDS and Drugs". This event was sponsored by the South Sulawesi provincial administration in cooperation with the Gaya Celebes Foundation to commemorate 2010 World AIDS Day. The event, taking place at the Armed Forces Kemanunggalan Hall, failed to take place as it was forcibly disrupted by a crowd of approximately 400 FPI members.

65. Attack on the office of GAYa NUSANTARA Surabaya in March 2010 while the ILGA conference was canceled by the FUI, and the office could not operate safely around two months.

66. There is no legal process against the perpetrators of several violations of the rights of association and expression, particularly physical assaults and disruptions, although official reports have been filled with the Police.

"At 11.00pm, Monday, 9th April 2012, a transgender based in Jl. Irian Barat Surabaya, suddenly was approached by two unknown men on a Honda supra X motorcycle. One of the men alighted and approached the victim⁸, suddenly the unknown man proceeded to punch the victim's face till s/he fell and the man proceeded to stab the victim with a bayonet, twice on the right thigh, four time on the left and once on the fingers of the left hand. With hir body bleeding profusely, the victim tried to run and shouted for help from hir friends around the Irian Barat area in Surabaya. By the time the friends arrived the two men had disappeared. The victim was taken to the hospital by hir friends where sh/e was treated. The injuries' medical report was taken to the Gubenk police station in Surabaya; the report was received but no action whatsoever was taken and the victim was just told to go home".

67. As an example of a report in the case of attack against a discussion held by Irshad Manji in Yogyakarta in May 2012 that caused injuries and damages to the LKIS office, to-date no perpetrators have been identified, although it was very clear which group had committed the attack. The police claimed insufficient evidence as justification.

⁸ Victim's name and details of the incident were documented in the rapid assessment and undisclosed to protect the victim's identity, except for a legal process and if ordered by the court.

Recommendation :

68. Urge the Indonesian government to guarantee and to fully implement human rights without discrimination against individuals' sexual orientation and gender identity. To revoke all legal and development policies discriminating against LGBTI and to strive at all levels of society to eliminate homophobia.

69. Put an end to all practices of Discrimination, Stigmatization, Violence and Degradation of Human Beings at all levels of society and state institutions, particularly within the State Police and the Satpol PP. Apply clear administrative sanctions and a fair justice process.

70. Urge the government of Indonesia to apply an educational curriculum that respects human diversity, including gender and sexuality diversity in everyday's life. A curriculum is needed in relation to knowledge of gender and sexuality from different perspectives. Sexuality should not just be assessed from a medical viewpoint.

71. Urge the government of Indonesia and the Police to follow up all reported cases of human rights violations, for example the case of the attack and disruption of the Irsyad Manji discussion in Yogyakarta in 2012 and, especially, the murder of a transgender in Taman Lawang must be resolved.

72. Urge the government of Indonesia and the Police to investigate places of detention or places identical to places of detention where many cases of sexual assaults based on sexual orientation and sexual identity often occur or could potentially occur and if criminal and human rights violations are discovered, they should undergo a fair trial. Investigations to take place with independent cooperation and with the participation of the National Commission for Human Rights and Women Rights.

73. Urge the government to take maximal and concrete steps through a program to eradicate homophobia, both in schools and other public places in order to prevent discriminative actions and violence.

74. Urge the government to institute a LGBTI victim recovery program easy to access, acceptable and fulfilling minimum standards of good service.

75. Urge the government to protect and to grant licences to LGBTI to conduct their activities so that they can fully participate in a variety of life sectors.