



HRW.org

October 29, 2018

Ridwan Kamil  
Governor  
West Java Province

## Re: Discrimination against LGBT People in West Java

Dear Governor Ridwan Kamil,

We write to express our grave concerns regarding the recent spate of discriminatory policy proposals and actions by local government officials in West Java province against lesbian, gay, bisexual and transgender (LGBT) people. We urge you to send an unambiguous message that your administration will defend the fundamental rights of all Indonesians and stop harassing and vilifying LGBT people.

Human Rights Watch is an international nongovernmental organization that investigates and reports on human rights abuses in over 90 countries, including Indonesia. We have worked on a range of human rights issues in Indonesia for nearly three decades.

We published reports in 2016 and 2018 documenting the rise in anti-LGBT rhetoric and actions by Indonesian authorities,<sup>1</sup> and have met on multiple occasions with ministers in your government to discuss our findings. Unfortunately, the government's lack of tangible action to protect LGBT Indonesians from violence and discrimination has resulted in the continued police targeting of gatherings of presumed LGBT people, and unabated anti-LGBT rhetoric from officials.

As you may be aware, several disturbing incidents have occurred in recent weeks. The list below is not exhaustive, but represents what Human Rights Watch has been able to corroborate via media reports, document reviews, and by verifying with individuals in the respective regions.

- On October 9, the Cianjur AIDS Prevention Commission sent a letter to the Deputy Regent of Cianjur [See Appendix 2]. The letter listed the number of known cases of HIV infection in the regency between 2001 and 2017, and also in 2018. It also listed data that alleged to indicate the number of gay men in the regency. These data were attributed to the Religious-Social Research Institution (LENSA), a non-

<sup>1</sup> See Human Rights Watch, "These Political Games Ruin Our Lives:" *Indonesia's LGBT Community Under Threat*, August 10, 2018, <https://www.hrw.org/report/2016/08/10/these-political-games-ruin-our-lives/indonesias-lgbt-community-under-threat>; Human Rights Watch, "Scared in Public and Now No Privacy:" *Human Rights and Public Health Impacts of Indonesia's Anti-LGBT Moral Panic*, July 1, 2018, <https://www.hrw.org/report/2018/07/01/scared-public-and-now-no-privacy/human-rights-and-public-health-impacts-indonesias>.

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- governmental organization working on HIV outreach programs. The letter further stated that LSENSA would soon disclose to regency officials the names and addresses of gay individuals in its database, which will put these people at risk.
- On October 15, the Cianjur regency government issued a decree [See Appendix 3] encouraging imams to dedicate their Friday prayer sermons on October 19 to “The Dangers of LGBT, Sodomy and Abuse in the Life of Religion, Nation and State in the Perspective of Islamic Law.”<sup>2</sup>
  - On October 19, Cianjur Regency officials stated that they would soon be issuing a series of decrees to mitigate the “LGBT threat.” Cianjur Regency spokesman Gagan Rusganda told reporters that the decrees would instruct local officials, school officials, and teachers on “socialization and coaching related to LGBT, drugs, alcohol, gambling.”<sup>3</sup>
  - In early October, junior high school students in Garut Regency held an event to discuss their feelings that “LGBT will destroy and damage the nation's young generation.”<sup>4</sup> The event was organized in reaction to the discovery of a Facebook group created for LGBT students to meet each other. Following the students’ event, teachers’ groups expressed their concern and demanded that the LGBT issue be addressed immediately.<sup>5</sup>
  - The Regional Child Protection Commissioner (KPAID) in Tasikmalaya Regency found two LGBT Facebook groups based in the area, “Gay Singaparna Baru” and “Gay Ciawi Panumbangan.”<sup>6</sup> The Commissioner said on October 10 that he had reported the findings to the Indonesian Ulama Council (MUI), the Religious Harmony Forum (FKUB), local police and a member of parliament.<sup>7</sup> “We report these findings to the district police so that there are efforts to detect early to overcome the spread of the group,” he said. In response to the Child Protection Commissioner’s report, Tasikmalaya District Administrative Assistant, Ahmad Muchsin instructed the Education Ministry of Tasikmalaya Regency to “sharpen” efforts in preventing high school students becoming LGBT.<sup>8</sup>
  - On October 19, the Karawang Islamic Movement Alliance (Aliansi Pergerakan Islam Karawang) staged a public “anti-LGBT” rally, videos of which are available online.<sup>9</sup> That

<sup>2</sup> Ahmad Syamsudin, “Indonesia: Pro-LGBT Facebook Post Draws Anti-Gay Reaction,” *Eurasia Review*, October 19, 2018, <https://www.eurasiareview.com/19102018-indonesia-pro-lgbt-facebook-post-draws-anti-gay-reaction/>.

<sup>3</sup> “Cianjur Akan Terbitkan Imbauan Bahaya LGBT ke Semua Sekolah,” *CNN Indonesia*, October 19, 2018, <https://www.cnnindonesia.com/nasional/20181019072919-20-339698/cianjur-akan-terbitkan-imbauan-bahaya-lgbt-ke-semua-sekolah>.

<sup>4</sup> “Viral Grup Gay Pelajar Garut di Facebook, Ridwan Kamil Janji Beri Tindakan,” *Tribun Jabar*, October 9, 2018, <http://jabar.tribunnews.com/2018/10/09/viral-grup-gay-pelajar-garut-di-facebook-ridwan-kamil-janji-beri-tindakan>; “Resah Ada Grup Gay di Facebook, Ratusan Pelajar Garut Gelar Deklarasi,” *Pikiran Rakyat*, October 12, 2018, <http://www.pikiran-rakyat.com/jawa-barat/2018/10/13/resah-ada-grup-gay-di-facebook-ratusan-pelajar-garut-gelar-deklarasi-431521>.

<sup>5</sup> Ibid.

<sup>6</sup> On February 1, 2016, Indonesia’s National Children’s Protection Commission (KPAI), issued a statement forbidding “distribution of LGBT propaganda or information [about LGBT issues] to children or minors.” The KPAI statement not only equated basic factual information on gender and sexuality with “propaganda” but claimed to root its prohibition in provisions of the Indonesian criminal code outlawing the sexual abuse of children, ignorantly and dangerously conflating distribution of socially valuable information to youth with rape and other criminal activity. Komisi Penyiaran Indonesia, “KPI Larang Promosi LGBT di TV dan Radio,” February 12, 2016, <http://www.kpi.go.id/index.php/lihat-terkini/38-dalam-negeri/33218-kpi-larang-promosi-lgbt-di-tv-dan-radio>. In its ban on LGBT content, KPI echoed the KPAI’s harmful language, calling the announced censorship “a form of protection for children and adolescents that are vulnerable to duplicating LGBT deviant behavior. Because of this, [broadcasters] can’t leave room in either on television or radio [programming] that can make LGBT behavior be regarded as commonplace.”

<sup>7</sup> “Selain Grup Gay Garut, Ditemukan Grup Gay Tasik di Facebook Pakai Nama ‘Singaparna’ dan ‘Ciawi,’” *Tribun Jabar*, October 10, 2018, <http://jabar.tribunnews.com/2018/10/10/selain-grup-gay-garut-ditemukan-grup-gay-tasik-di-facebook-pakai-nama-singaparna-dan-ciawi>.

<sup>8</sup> “Soal Grup FB Gay, Disdik Kabupaten Tasikmalaya Lakukan Ini,” *Tribun Jabar*, October 11, 2018, <http://jabar.tribunnews.com/2018/10/11/soal-grup-fb-gay-disdik-kabupaten-tasikmalaya-lakukan-ini>.

<sup>9</sup> “Aksi Damai Aliansi Pergerakan Islam Karawang Menolak LGBT,” video clip, Youtube, [https://www.youtube.com/watch?v=gY\\_Jh8UR88k](https://www.youtube.com/watch?v=gY_Jh8UR88k).

- day, organizers met with Karawang Regent Cellica Nurrachadiana and delivered their list of demands, which included disbanding LGBT groups, censoring those who speak about LGBT issues, and subjecting LGBT individuals to medical interventions to change their sexual orientation or gender identity [See Appendix 1]. Media reports indicate that Islamic student groups in Karawang had been using their own espionage, police reports, and social media monitoring to judge that there was an increase in LGBT people in the regency.<sup>10</sup> Media reports indicate that the regent told reporters she agreed with the organizers' demands, and pledged to create a policy to eradicate the "LGBT issue" from the regency within one week.<sup>11</sup>
- On October 18, Bandung police raided a private home and arrested two men for allegedly running a Facebook group for same-sex couples.<sup>12</sup> Police confiscated five mobile phones and 25 condoms during the raid. The men are being charged with Article 45.1 and Article 27.1 of the 2016 Internet Law for their alleged involvement in spreading electronic information containing "immoral material."<sup>13</sup>
  - On October 21, several groups held a public rally opposed to "LGBT elements in society" in Sukabumi. Organizers gathered signatures on a petition to submit to the mayor. Media reports indicated that Mayor Achmad Fahmi himself signed the petition, stating: "In addition to LGBT behavior [being] prohibited by religion, it also interferes and makes the public restless. The local government agrees and is in line with what the community rejects the existence of LGBT in Sukabumi."<sup>14</sup> Organizers inappropriately cited government HIV data as an indicator of the "threat" posed by LGBT people in the city.

As the events of recent years have demonstrated, negative rhetoric and discriminatory policy proposals from public officials—even before they are implemented—can provide social sanction for threats and violence from public and private actors.

The current onslaught of anti-LGBT statements and policy proposals will impact more than just Indonesia's human rights record. As we documented in our July 2018 report, one particularly troubling aspect of the protracted anti-LGBT moral panic in Indonesia is that public health outreach programs to prevent HIV and care for people living with HIV have become far more difficult, making wider spread of the disease more likely. Most new HIV infections in Indonesia occur through heterosexual transmission. However, one-third of new infections occur in men who have sex with men (MSM), and HIV rates in that population have spiked in recent years. Abusive and discriminatory policies and actions by authorities, including police raids on private spaces, and the use of condoms as evidence of homosexuality, has harmed HIV education and outreach services by instilling

<sup>10</sup> "Umat Islam Karawang Tolak LGBT, Kawal Janji Bupati," *Hidayatullah*, October 22, 2018,

<https://www.hidayatullah.com/berita/nasional/read/2018/10/22/153217/umat-islam-karawang-tolak-lgbt-kawal-janji-bupati.html>.

<sup>11</sup> "Bupati Keluarkan Surat Edaran Larangan LGBT," *Fakta Jabar*, October 20, 2018, <https://www.faktajabar.co.id/bupati-keluarkan-surat-edaran-larangan-lgbt/>; "Bupati Karawang Kabulkan 7 Point Tuntutan Yang Diajukan ASPIKA (Aliansi Pergerakan Islam Karawang)," *Karawang Metro*, <http://karawangmetro.com/blog/bupati-karawang-kabulkan-7-point-tuntutan-yang-diajukan-aspika-aliansi-pergerakan-islam-karawang/>.

<sup>12</sup> "Indonesian police arrest two men linked to LGBT Facebook page," *Reuters*, October 21, 2018, <https://www.reuters.com/article/us-indonesia-lgbt/indonesian-police-arrest-two-men-linked-to-lgbt-facebook-page-idUSKCN1MV09I>.

<sup>13</sup> "Polisi Ciduk Admin Facebook Forum Gay di Bandung," *Detik*, October 19, 2018, <https://news.detik.com/berita-jawa-barat/d-4264234/polisi-ciduk-admin-facebook-forum-gay-di-bandung>.

<sup>14</sup> "The Mayor of the Joint 1,500 LGBT Signatures in Sukabumi," *Teras*, October 21, 2018, <https://www.teras.id/news/pat-27/107881/wali-kota-bersama-1>, and <https://www.teras.id/news/pat-27/107881/wali-kota-bersama-1>.

fear among sexual and gender minority communities who urgently need such services. Surveillance of suspected LGBT people by religious or community groups that results in furnishing private information about their whereabouts to governments is not only a flagrant privacy rights violation, but also deleterious to public health efforts.

The attempt by the Regional Child Protection Commissioner to censor LGBT-focused or Facebook groups is unfounded. Censoring information about sexual orientation or gender identity does not protect children, instead it violates their rights and potentially causes harm to them. Indonesia's Child Protection Law provides that children's "rights will be protected and that they will not be subjected to discriminatory treatment."<sup>15</sup> The UN Committee on the Rights of the Child, the independent expert body that monitors and interprets the Convention on the Rights of the Child, has urged governments to repeal laws that restrict LGBT information and "ensure that children who belong to LGBTI groups or children of LGBTI families are not subjected to any forms of discrimination by raising the awareness of the public on equality and non-discrimination based on sexual orientation and gender identity."<sup>16</sup> UNICEF has said that rather than blocking information about LGBT lives from children, governments should "repeal laws that entrench such discrimination, and in particular those that criminalize... 'promotion' of homosexuality, or the association of LGBT children and individuals."<sup>17</sup>

According to UNAIDS-Indonesia: "Hostile policy and programmatic approaches against key affected populations (KAPs) of people who inject drugs (PWID), female sex workers (FSW), men who have sex with men (MSM), and transgender women have worsened the HIV responses even more." This includes, "the recent backlashes against LGBT people have forced these key populations to go underground, impeding HIV outreach services for them and, most of all, denying them their basic right to health."<sup>18</sup>

As the United Nations High Commissioner for Human Rights warned in February, "The hateful rhetoric against this [LGBT] community that is being cultivated seemingly for cynical political purposes will only deepen their suffering and create unnecessary divisions."

In 2016, Indonesia's National Human Rights Commission warned that anti-LGBT statements from officials are not in line with your administration's development principles of Nawacita, in which the government affirms Indonesia's pluralism and outlines the strengthening of social restoration through policies aimed at developing education in favor of diversity and creating space for dialogue among citizens.<sup>19</sup>

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<sup>15</sup> Indonesia: Law of the Republic of Indonesia Number 23 of 2002 on Child Protection [Indonesia], October 22, 2002, available at: <http://www.refworld.org/docid/54eef1e04.html>.

<sup>16</sup> UN Committee on the Rights of the Child, Concluding observations on the combined fourth and fifth periodic reports of the Russian Federation, January 31, 2014, CRC/C/RUS/CO/4-5, [http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/RUS/CRC\\_C\\_RUS\\_CO\\_4-5\\_16305\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/RUS/CRC_C_RUS_CO_4-5_16305_E.pdf).

<sup>17</sup> UNICEF, "Eliminating Discrimination Against Children And Parents Based On Sexual Orientation And/Or Gender Identity," November 2014, [http://www.unicef.org/videoaudio/PDFs/Current\\_Issues\\_Paper- Sexual\\_ Identification\\_Gender\\_Identity.pdf](http://www.unicef.org/videoaudio/PDFs/Current_Issues_Paper- Sexual_ Identification_Gender_Identity.pdf).

<sup>18</sup> Human Rights Watch, "Scared in Public and Now No Privacy:" *Human Rights and Public Health Impacts of Indonesia's Anti-LGBT Moral Panic*, July 1, 2018, <https://www.hrw.org/report/2018/07/01/scared-public-and-now-no-privacy/human-rights-and-public-health-impacts-indonesias>.

<sup>19</sup> Jakarta Post, "Komnas HAM slams vilification of LGBT by officials," February 5, 2016, <http://www.thejakartapost.com/news/2016/02/05/komnas-ham-slams-vilification-lgbt-officials.html#sthash.xRWYvQPu.dpuf>.

Human Rights Watch is concerned that you commented to reporters on October 9<sup>th</sup> that you are committed to “eradicate such things,” in reference to LGBT people and organizations.<sup>20</sup> We urge you to instead defend the rights of all Indonesians by stating publicly that rights to privacy, freedom of expression and association, and security should be respected for all, including LGBT people, and by committing to reforms that protect instead of persecute this marginalized minority.

Sincerely,



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Director, Lesbian, Gay, Bisexual and Transgender (LGBT) Rights Program  
Human Rights Watch



Brad Adams  
Asia Director  
Human Rights Watch

CC:

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<sup>20</sup> “Viral Grup Gay Pelajar Garut di Facebook, Ridwan Kamil Janji Beri Tindakan,” *Tribun Jabar*, October 9, 2018, <http://jabar.tribunnews.com/2018/10/09/viral-grup-gay-pelajar-garut-di-facebook-ridwan-kamil-janji-beri-tindakan>.

## Appendix 1

ASPIKA statement with Karawang Regent Cellica Nurrachadiana on Friday, 19 October 2018:

In the hearing with ASPIKA, Regent Cellica expressed his appreciation for ASPIKA and agreed to issue a circular that prohibits LGBT individuals and later disbanded LGBT groups.

"We agree with the points raised by ASPIKA, and God willing, within a week we will issue a circular regarding the prohibition of LBGT," she explained.

The ASPIKA points are as follows:

1. Prevent, reject, disband, and clear lesbian, gay, bisexual movements / teachings and transgender (LGBT) in Karawang.
2. Provide a warning letter to any person who spreads the teachings of lesbian, gay, bisexual, and transgender (LGBT) in Karawang.
3. If the person ignores point 2, he or she will be kicked out of Karawang
4. Issue a local regulation on LGBT prohibition in Karawang.
5. LGBT groups need to be nurtured and guided in order to understand that they are having deviant behavior that is not in accordance with the teachings of our religion and our tradition in Indonesia, as well as straightening their sexual orientation and wrong behavior because Indonesia, especially Karawang, are the ancestral lands of the guardians of our religion, tradition and ethics.
6. Karawang residents are ready to dissolve LGBT activities.
7. The Regent must write a letter addressed to the Ministry of Communication to remove social media accounts and content that contains LGBT, online prostitution.

## Appendix 2

### AIDS PREVENTION COMMISSION OF CIANJUR REGENCY

Mayor Harun Street Number 77 Cianjur Regency PO BOX 43216

Tel/Fax. (0263) 272127 Email: kpakabcianjur@yahoo.co.id

#### Agency Letter of Clarification

Number: 38/SEK-KPA/X/2018

To : Deputy Regent as the Chief of the AIDS Prevention Commission of Cianjur Regency

From : Secretary of the AIDS Prevention Commission of Cianjur Regency

Date : October 9, 2018

About : Total of LGBT People in Cianjur Regency

Acting on the Deputy Regent's Opinion on the Agency Letter of Clarification No. 38/SEK-KPA/IX/2018 on September 11, 2018 about the 2018 AIDS Prevention Commission (KPA) Activities Report, which was funded by the Regional Budget (APBD) of Cianjur Regency.

We hereby report:

1. HIV/AIDS Cases (data taken from the Health Ministry of Cianjur Regency)

Total of HIV/AIDS cases from January to September 2018	95 individuals
Total of HIV/AIDS cases from 2001 to 2017	864 individuals
Total of HIV/AIDS cases overall	916 individuals
2. Gay Individuals (data given from Religious-Social Research Institution (LENSA))

Total of gay individuals from January to July 2018	617 individuals
Total of gay individuals from 2016 to 2017	2835 individuals
Total of gay individuals overall	3452 individuals

The names and addresses of the Gay Individuals are listed by LENSA and LENSA is going to hand over the names and addresses of said individuals to the Deputy Regent through the AIDS Prevention Commission (KPA).

We hereby report and thank you for the opportunity

AIDS Prevention Commission  
of Cianjur Regency

Signed  
Secretary

## Appendix 3

Cianjur, October 15, 2018  
All Camat (district heads) in Cianjur Regency  
In Cianjur

CIRCULAR  
Number 400/5368/Social Welfare

Regarding  
Friday sermons on LGBT

The Cianjur AIDS Commission reported a significant increase of lesbian, gay, bisexual and transgender (LGBT) in Cianjur Regency.

We thereafter want the Friday prayer sermon in each big mosque on Friday, October 19, 2018 is about LGBT (material attached). It's to be distributed in each village.  
Thank you for your attention.

Cianjur Regent/Deputy  
Herman Suherman

c.c. Cianjur Regent