SUSTAINABLE DEVELOPMENT GOALS

INDONESIAN CIVIL SOCIETY ORGANISATION PARALLEL REPORT 2019 ON SUSTAINABLE DEVELOPMENT GOALS

EXECUTIVE SUMMARY

The Sustainable Development Goals offer a new paradigm for development that centers social inclusion of the most marginalised. The concept of "leave no one behind" guides the approach of realising this ambitious agenda.

Prepared by Indonesian civil society organizations (CSOs), this Parallel Report was created to complement the Government of Indonesia's Voluntary National Review of Sustainable Development Goal (SDG) Implementation Report, and ensure that Indonesia is fulfilling human rights in all levels of SDG implementation.

Indonesian CSOs through the Alliance of Universal Health Coverage (IAH) elaborate on the progress and challenges in implementing Goal 10 and Goal 16, particularly as pertains to Key Populations (KPs) including gay, bisexual and other men who have sex with men, people who use drugs, sex workers, transgender people, children and young people who live with HIV. The report builds upon several data sources, including interviews and documented cases.

Under Goal 10 on inequalities, Member States agreed to monitor the national proportion of people living below 50 per cent of median income, by age, sex and persons with disabilities (10.2.1). Key populations, particularly LGBTIQ individuals and sex workers are disproportionately represented among this group, due to pervasive stigma, discrimination, and violence. Furthermore, the government does not currently disaggregate poverty-related data by sexual orientation, gender identity, and other social status, so we are unable to know the full extent in which poverty affects LGBTIQ people and sex workers.

The 2030 Agenda also provides a standard measure for governments to monitor discrimination: the proportion of the population reporting having personally felt discriminated against or harassed within the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law (10.3.1). This is particularly of concern to Indonesian civil society, as the number of public statements of harassment and discrimination against KPs increased since 2016, especially hate speech from politicians against LGBTIQ individuals.

The situation for LGBTIQ people in Indonesia is worsening. The number of cases of public torture and humiliation against LGBTIQ individuals increased in 2018, particularly prior to the regional and national elections in the neighborhood of the capital city of Jakarta. In the other hand, Indonesia has committed to be free from Prostitution in 2019. For past two years, the government has diminished the brothels in all over Indonesia, and it has jeopardised the livelihood of sex workers and the lives of their children and families.

This phenomenon has affected the KPs, both at national and district levels. These come to end by several local governments producing and adopting Anti LGBT and Anti Prostitution laws.

The revision of penal code has succeeded to drop the adoption of varies criminalization against KPs. The previous draft penal code emphasized the criminalization of: a) Consensual premarital intercourse; b) Consensual same sex intercourse; c) Solicitation of prostitution; d) Drug use; and e) Promotion of the contraception[1].

[1] Draft Penal Code of Crime Bill: 1)Article 446 chapter (1) point e on draft 9 July 2018 of criminalisation on premarital consensual intercourse; 2) Article 489 on draft 2015 on solicitation of prostitution; 3) Article 469 on draft 2 February 2018 of criminalisation on consensual same sex intercourse; 4) Article 660-665 draft 9 July 2018 on drug use; 5) Article 443 jo article 445 draft 9 July 2018 on the promotion of the contraception

At the moment, PITCH Indonesia Program members try to influence the advocacy through Technical Working Group on Human Rights at SDG secretariat to watch over the National Action Plan on Human Right. The Government of Indonesia has determined 4 main priorities vulnerable groups which are: women, children, disability person, and indigenous people. In this regard, KPs are not included in the main government development agenda. Given the pervasive stigma, discrimination, and violence faced by key populations, and the numerous barriers to their realization of the SDGs, the Government of Indonesia should fully commit to the principle of 'leave no one behind' and endeavor to support development initiatives that explicitly name and include key populations.

The Indonesian civil society alliance was effective in ensuring that parallel reports incorporate a range of perspectives, expertise, and experiences. They complemented VNRs with missing data, pointed out implementation gaps, highlighted the role of civil society in the fight against discrimination, violence and torture, and/or made recommendations. The Government of Indonesia and civil society can and should strengthen the inclusion of KPs when reporting on SDG implementation, enabling other stakeholders to learn from progress made and the challenges remaining.

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1. Introduction

A. KPs:

Key Populations (KPs) in Indonesia are known as "Populasi Kunci" including: lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) people; people living with HIV (PLHIV); sex workers; people who use drugs (PWUD); and adolescent girls and young women (AGYW).

Data related KPs in Indonesia is lacking. The Ministry of Health of the Republic of Indonesia has officially released the data of KPs, particularly the estimated data of PLHIV by March 2019 was 640.443 individuals. Additionally, the Ministry has estimated the number of men who have sex with men, transgender people, drug users, and sex workers and their clients to be 6.657.705.

B. Methodology and process

The data collection for this report is based on reports and studies conducted by the PITCH Program in Indonesia, Indonesian Alliance on Universal Health Coverage, Indonesian National Commission on Violence Against Women and Girls (*Komnas Perempuan*), Indonesia AIDS Coalition (IAC), Seknas Fitra, Country Coordinating Mechanism on Global Fund – AIDS Tuberculosis and Malaria (GF – ATM) Indonesia, Free and Equal Rights, and other partners.

The data collection, interviews, and list of questions were disseminated from April – May 2019 to the partners. Most of the data are from 2016 to 2019.

that were used:

1. Partnership with the governments who have national mechanisms to develop and manage the data from all province in Indonesia. The National Report on Violence against Women and Girls was provided by Komnas Perempuan.
2. Disseminating the questionnaire by emails to the PITCH Indonesia partners, Universal Health Coverage Indonesian Network and other partners.
3. Managing the reported cases and studies from the PITCH Indonesia partners, Universal Health Coverage Indonesian Network and other partners.
4. Research and Development of the data from the reported cases and studies.
5. Interviewing key important stakeholders, in these case Country Coordination Mechanism Indonesia Global Fund – AIDS, Tuberculosis, and Malaria Secretariat – Ministry of Health of the Republic of Indonesia and IAC.
6. Embedding additional relevant information from online research.
7. Data validation and approval from the resource organisations and person.

This report is created under collaboration of PITCH Partners Program in Indonesia and other stakeholders. Means of verification are given to the partner to validate the authenticity and original information are summarized in the report.

2. Sustainable Development Goal 2.1 Goal 10: Reduce inequality within and among countries

A. Overall narrative and main messages

Goal 10 on reducing inequalities becomes the fundamental landmark for the Government of Indonesia in addressing the gaps of development, particularly on Gini ratio; national programs on poverty alleviation both in the furthest, isolated, underdeveloped villages as well as developing villages; economic growth in the underdeveloped villages; citizen who live under 50 % median of national income; and the enrolment of manpower on social protection programs . It's stated that inclusive economic is needed in order to achieve the prosperity of Indonesian development. This overlook stigma and discrimination, structural barriers face by KPs.

- **Successes in achieving this Goal**

Through poverty alleviation and improving basic services, the Government of Indonesia has committed to equity of development to address the gaps across income groups. The government also addresses the gaps within regions through enhancing the connectivity between lands and maritime. Based on DFI, OXFAM 2017 & 2018 Indonesia has significantly improved the commitment toward inequalities[1]. But doesn't sufficiently in human capital development.

- **Remaining gaps**

Indonesia must address some remaining challenges in order to achieve Goal 10, particularly improving multi-stakeholder partnerships to overcome inequalities within the country. It has also affected the most vulnerable and marginalised groups in the bottom level of national poverty line . KP is excluded and the data is not disaggregated.

[2] Final Draft VNR 2019 Government of Indonesia Page 105 Paragraph 2 sentence 1

[1] Final Draft VNR 2019 Government of Indonesia Page 116 Paragraph 1

However, the importance of inclusive society must take into account in all program that has been being implemented by the government. It's including social protection program that focuses on prosperity the Indonesian people as stated in Nawa Cita (Nine pillars), including the KPs those are more severe affected by current development models. As stated in Nawa Cita as guidance framework of Indonesia development similarly lack of specificity to address the stigma, and discrimination to KPs

• Relevant laws, policies, mechanisms, and structures

In order to accelerate the achievement of Goal 10, the Government of Indonesia created a Mid-Term Development Plan (2015 – 2019)[4]. The government tries to develop Indonesia from the edge and putting the extra effort to the underdeveloped villages through Dana Desa Program[5]. Although the Government of Indonesia has established Dana Desa program, however the KPs haven't been benefiting from it.

The commitment of a nation is measured by the indicators of regulation that is being implemented. And the indicators to include the public expenditures, taxes, and employment regulations to improve the economic structure in addressing the poverty issue in the nation[6]. These indicators are not inclusive to KPs, because they are not disaggregated.

• Contributions of CSOs

CSOs engagement in development processes is limited. It's not clearly stated that CSOs are particularly being invited by the official representative offices to attend regular meetings. Only those who were registered to the government official registry system, such as local government of the Capital City of Jakarta, and well informed by its officers can take part in key decision-making processes.

Analysis:

As described above the pattern of Indonesian development programs focusing on infrastructure to the detriment of human capital development.[7]. This somehow hinder the spending on human capital to develop the human characters and attaining the wellbeing. The. economic development will not necessarily impact the people behavior change.

[4] Final Draft VNR 2019 Government of Indonesia Page 102 Paragraph 3

[5] Final Draft VNR 2019 Government of Indonesia Page 104 Sentence 7 Line 8

[6] Final Draft VNR 2019 Government of Indonesia Page 105 Paragraph 2

[7] Final Draft VNR 2019 Government of Indonesia Page 104 Sentence 7 Line 8

Fact 3:

Komnas Perempuan *Lembar Fakta Catahu* 2018 reported instances of infringements on freedom of expression and assembly for LGBTIQ individuals: in Soppeng-Sulawesi Selatan, the Art and Culture Activity was force to be canceled; the apprehension of transgender groups in Tanjung Balai-Sumatera Utara; and, the apprehension of transgender in Purworejo, Central Java . In all three instances, the government did not assist to solve these matters, especially Police Bureau.

Findings from focus group discussions with PWUD and program officers in 3 locations, conducted by *Perkumpulan Korban Napza Indonesia* (PKNI), showed that violence, blackmail, and harassment were perpetrated against community members by law enforcement. Law enforcement reportedly attempted to blackmail PWUD, or requested compensation in return for bailing out incarcerated persons, along with widespread harassment and force confession as labelising PWUD as drug dealers by the police officers. Violence was reported from time of apprehension, to investigation, and during the time of detention in the local police stations.

Testimony 1:

"My thumb feet were pressed against the table on the ground, in addition I was electrified. Is that the procedure during the processes of making the police investigation report? Is that the right way to force someone to admit the crime? The hands or police slapped me many times, and electrify me over and over. And nowadays they use laser electrify, as I heard it can cause impotency" (Lk, Rehab Client, Medan, FGD02-PN-0416)[11].

Testimony 2:

Police said (the victim imitating what police said to her when she was apprehended) "...because you still have due that you must pay to bail you out from this case, the remaining balance you have to go check in (a place) with me." Victim replied "Sorry sir?" Police said "Don't pretend that you don't understand what I said to you, you are a junkie. Everyone knows once you are junkie that your credibility in the society is bad, so there is nothing wrong that you are being slut with me". (Pr, PUD, Jakarta FGD03-0416)[12].

[10] Lembar Fakta Catahu, Komnas Perempuan, 7 Maret 2018

[11] Laporan Studi War on Drug Indonesia, PKNI, Kekerasan, penyiksaan dan pelecehan yang dilakukan oknum penegak hukum Page 27 – 28

[12] Laporan Studi War on Drug Indonesia, PKNI, Kekerasan, penyiksaan dan pelecehan yang dilakukan oknum penegak hukum Page 28

B. Target 10.2: By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status

What need to be changed, general policy for that

Efforts from the government to meaningfully engage KPs in terms of economic, social and political aspects of life have been limited. Although we have Pancasila and Undang-Undang Dasar 1945 (UUD 45) as fundamental constitutions to protect the rights and ensure the wellbeing of all Indonesian citizen, yet the implementation in the development programs exclude the KPs in the long run.

There is a need a human capital investment to rebuild the nation that comply with the characteristic of Pancasila and UUD 45.

Fact 1:

There were cases of declining the registration of two leaders who were open about their sexual orientation and gender identity were denied the opportunity to serve as commissioners at the KOMNAS HAM / National Human Rights Commission. Dede Oetomo as a gay man was not accepted as the commissioner of KOMNAS HAM in 2012 as well as Mami Yuli Rettoblaut because she is a transgender woman[8]. The parliament representative rejected their application.

Fact 2:

In 2017, there were 14 high-profile cases of public persecutions targeting KPs, especially LGBTIQ individuals and sex workers. There were 2 cases, 1st was in May and 2nd was in October 2017, both cases took place in Jakarta, the capital. To legitimate this action to become crime case, the polices applied Pornography Bill against these individuals[9].This pornography bill was used to persecute 2 LGBTIQ cases against KPs.

[8] The Jakarta Post, 17 March 2012

[9] Indonesia Dalam Cengkeraman Hukum Pidana, ICJR, April 2018, ISBN 978-602-0909-19-4, Page 14

[10] Lembar Fakta Catahu, Komnas Perempuan, 7 Maret 2018

Fact 4:

Puzzle Indonesia, a key population focused CSO, trained local governments as well as media in order to understand the comprehensive issue of HIV & AIDS and SOGIESC. From the training that Puzzle Indonesia conducted, it has empowered at least 12 government institution, mostly Community Health Centers and 5 National Medias[13].

Fact 5:

IPPI and Fokus Muda conducted a focus group discussion in Papua that revealed AGYW under 17 years old are often denied from community health centers and hospitals when they access the sexual reproductive health services. AGYW must have parental consent letter when they want to access sexual and reproductive health services in those institutions. This is a serious barrier to accessing HIV and STI prevention information[14].

Fact 6:

In 2018 in Samosir Island in North Sumatera, 3 children were expelled from their schools due to their HIV statuses. Similarly, in Java, Surakarta, there were 14 children who were expelled from their school due to their HIV statuses. The government hasn't responded to the cases in either cities[15].

Fact 7:

As an example, a *Lembaga Pengelola Dana Pendidikan* (LPDP) scholarship program from the Ministry of Finance mentioned that PLHIV from East Indonesia can't apply for the program, and nowadays that information was taken down both from the online and offline distribution from the public information.

A policeman from Blora, Central Java, was fired due to his sexual orientation. The former policeman is currently being assisted by Lembaga Bantuan Hukum (LBH) Masyarakat to file a lawsuit against Central Java Police Bureau[16].

[13] Pertemuan Media dan SOGIESC, Puzzle Indonesia, 2018

[14] Mini Study on SRHR, IPPI & Fokus Muda, Papua, 2018

[15] Lentera Anak Pelangi Questionnaire Response, Samosir: https://en.tempo.co/read/923911/world-aids-day-most-indonesians-unaware-of-hiv-transmission Surakarta: https://portallampung.co/kpai-pantau-kasus-14-siswa-odha-di-solo/

[16] https://news.detik.com/berita/d-4553674/polri-soal-pemecatan-polisi-gay-anggota-polri-tak-boleh-lgbt

C. Target 10.3: Ensure equal opportunity and reduce inequality by eliminating discriminatory laws

The government of Indonesia still use the society paradigm that leads to Morality as the utmost important fundamental. KPs are excluded from this system, because it's against morality and religious values.

Fact 8:

Komnas Perempuan states in their annual report that there are 421 discriminative laws, policies, and regulations that affect KPs in Indonesia[17].

Fact 9:

The HIV Act No. 21 (2013) stipulates the control of HIV & AIDS in Indonesia. However, the Draft Bill of Criminal Code hinders the elimination new HIV infections in Indonesia by taking an overly punitive approach. In the new introduce of criminal code there is 4 provision to criminalise KPs[18].

Fact 10:

In August 2018, Local Government of Bierun, Nanggroe Aceh Darusalam, a sharia district in Indonesia, produced stardardisation of cafeterias and restaurants for its city. The material of standardisation mentioned the limitation of constitutional rights of Indonesian citizen. The regulation contains the segregation between men and women in these spheres, the limitation of working hours for women, including the prohibition on hiring transgender women in both cafeterias and restaurants[19].

Fact 11:

There is still refusal of the establishment of LGBTIQ organisation when in the act states the abbreviation of LGBTIQ. It happened with PEWARIS (Semarang Transgender Association). The unofficial practice of Ministry Home Affairs to not approve for any content of LGBTIQ and Sex workers[20].

Fact 12:

It was one time that Draft of Penal Code of Crime was challenged for the Judicial Review. 12 individuals with their attorneys under the name "Advocate Team for Indonesian Civilized" request the Constitutional Court to review then additional clauses, however the request was rejected by the court[21].

[17] Executive Summary, Catahu 2019, Komnas Perempuan

[18] Dampak Kriminalisasi Perilaku Berisiko HIV, Populasi Kunci, ICJR

[19] Naskah Catahu 2018, Komnas Perempuan, Page 75

[20] Pendanaan Organisasi Berbasis Komunitas Dalam Penanggulangan HIV & AIDS, Studi Kota Bandung dan Kota Semarang, IAC – Sekuns FHra, Page 47 para 3 last sentence

[21] Indonesia Dalam Genggaman Hukum Pidana, ICJR, April 2018, ISBN 978-602-6000-70-4, Page 15

Fact 13:

The biggest hit in Indonesian history that public figures such as ministers, mayor and other political figures address statement that degrading LGBTIQ individuals through their public statements. An organisation, Human Right Working Group captured and recorded these statements including the public figures name who are against LGBTIQ individuals[31].

Fact 14:

Following these remarks, the Vice President of Indonesia requested UNDP to stop funding the Being LGBTI in Asia (BLIA) initiative in Indonesia. This was a big loss to sustainable development, because the BLIA program contributes to the social, economic, and political inclusion of LGBTI people, as well as advances HIV & AIDS prevention programs tailored for LGBTIQ people[32].

Breaking

News:

"The General Secretary of National Board of Family Plan recently stated that LGBT issue is an enemy of Indonesian development. He encouraged local governments to combat and eradicate LGBT issues in each region of Indonesia. He also stated that "sexual deviation (LGBT) is one of the latent threats to Sexual Reproductive Health of children and youth, and it can cause sexual transmitted diseases including HIV. The young generation has right to be saved, and the government must save their life" [33].

[31] "Krisis LGBT" Indonesia Dalam Ucapan, HRWG, 2016, https://www.hrw.org/id/report/2016/08/10/292707
[32] https://www.thejakartapost.com/news/2016/02/15/kalla-requests-undp-not-fund-lgbt-groups.html
[33] https://www.antaranews.com/berita/900041/bkkbn-lgbt-musuh-utama-pembangunan, 3 June 2019

D. Recommendations to Government and other stakeholders

The government of Indonesia shall eradicate structural barriers.

Buat key recommendation based

- Recognising the most vulnerable and marginalised groups as the center of development.
- Establishing the system that protect and promote the rights of vulnerable and marginalised groups.
- Embodying the rights and equity for vulnerable and marginalised groups into coherence legal practices and policy framework.
- Creating spaces for CSOs and government presence in all multistakeholder decision makings.
- Designing the Mid and Long-Term Development Plans with attendance and mutual dialogues from the most vulnerable and marginalised groups.

Draft of Bills and Bills should be based on *Bhineka Tunggal Ika*, equality, justice, non-discriminative and honoring the human rights. All these values should embody all the norm of draft of bills or bills and people oriented and fulfilling the citizen constitutional rights, particularly to PLHIV, Sex Workers, LGBTIQ, PUD. Draft of Bills and Bills should not merely achieve the legislation target completion, but also it should benefit other stakeholders.

2.2 Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

Goal 16 aims to promote a peaceful and inclusive society for sustainable development by providing access to justice to all, and developing accountable and inclusive institutions at all government levels[25]. For the Indonesian government to achieve Goal 16, this obligation is not merely for policies compliance and Indonesian Nawa Cita. But it's also contributing in poverty alleviation, human resource development, and economic growth[26].

- **Successes in achieving this Goal**

The government of Indonesia accepted recommendation from Universal Periodical Review in 2017. The 2 recommendations that have been accepted and ensure the protection of LGBTIQ and sex worker were: recommendation 141.56 to ensure the Human Rights Activist protection and recommendation 141.58 to revoke discriminative laws that is not coherence with UUD 45[27].

- **Remaining gaps**

The gaps and lack of data hinder the measurement for groups such as sexual minority in reaching the sustainable development[28].

There three challenges are faced by the government of Indonesia, this due to gain good quality of data and adequate information in order to set an inclusive groundbreaking development plan.

According to the Indonesian VNR the 3 mains gaps are:

1. Lack of access to basic services and equal economic opportunity.
2. Lack of leadership to provide universal public services without any discrimination to the people.
3. Due to the failure of explicitly marginalised social groups such as women, children, religious minority, sexual minority, ethnical minority, and disability[29], these groups are systematically excluded from social benefits.

[25] Final Draft VNR 2019 Government of Indonesia Page 156 Paragraph 1

[26] Final Draft VNR 2019 Government of Indonesia Page 156 Paragraph 5

[27] https://arsipelangi.org/agenda/pemerintah-indonesia-menerima-rekomendasi-perlindungan-ham-kelompok-lgbt/

[28] Final Draft VNR 2019 Government of Indonesia Page 157 Paragraph 1 sentence 2

[29] Final Draft VNR 2019 Government of Indonesia Page 157 Paragraph 1sentence 3

Indonesia still faces challenges in providing non-discriminatory services and also to ensure equal access to justice, as well as basic services to women, children, and other vulnerable groups".

- **Relevant laws, policies, mechanisms, and structures**

In 2009, Indonesia began to produce a National Strategy on Access to Justice and Bills on Laws Assistance, which include a variety of mechanisms for implementation. However, these mechanisms do not benefit key populations

While the Supreme Court of Indonesia has historically assisted in the allocation of resources for vulnerable individuals, such as children, people living with disability, and whoever possesses Poor Reference Letter issued by the government, or the proof of enrollment in social assistant programs, the Supreme Court has never ruled on issues directly relevant to key populations.

The government doesn't provide adequate opportunity for CSO in formulating the Draft of National Human Right Action Plan.

- **Contributions of CSOs**

The Indonesian CSO has successfully passed:

- The judicial review on draft bill of criminal code, especially to drop the criminalisation of consensual same sex intercourse.
- The judicial review on narcotic law no. 35 by conducting seminar with Indonesian Parliament members.
- Promoting non-discriminatory to treat PLHIV by local leaders and religious leaders.

Interview:

Indonesia AIDS Coalition mentioned in the study case of Government of Kota Semarang is more advance and transparent in providing information as well as inviting the CSOs in Working Plan and budget formulation on HIV & AIDS. It's easy to find the information on the official website of Government of Semarang. While in the other hand with the Government of Bandung, it's setback in term of Open Government Information.

[10] Final Draft VNR 2019 Government of Indonesia Page 155 Paragraph 5 sentence 3

In 2017, the anti-hate speech regulation was introduced by the head of Indonesian Police Bureau. However, this regulation never effectively eradicates the hate-speech crime so far.

Fact 15:

Gaya Nusantara reported from February 2018 to April 2019, there were 20 human rights violation cases that affected LGBTIQ individuals. At least 6 gay men and 14 transgender women reported cases to Gaya Nusantara. Two cases involved the death of transgender women: in one instance because the individual was not provided access to health care providers; in the other, the individual was denied from having treatment and it led to death in the public health care. The majority of reported cases are related to infringements on the freedom of assembly[8].

Fact 16:

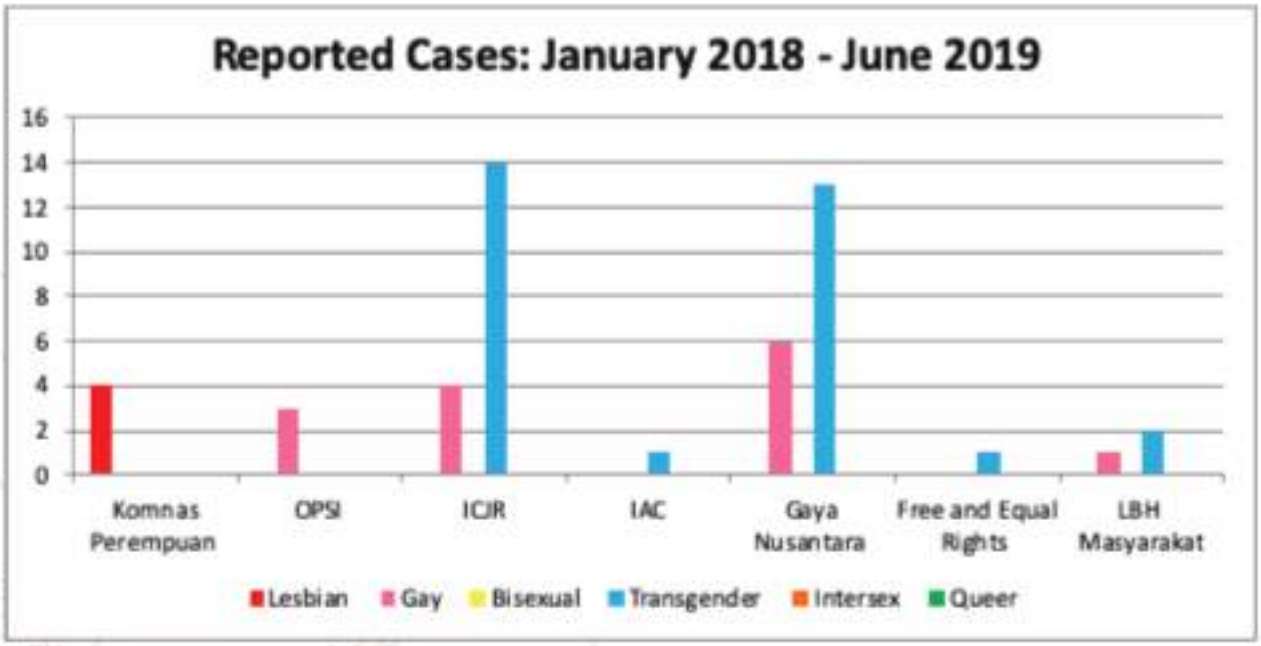
Komnas Perempuan reported 12 cases in 2018, including a case of so-called "corrective rape" perpetrated by the survivor's partner at the request of the survivor's parents[9]. On 22 November 2018, 7 transgender women from Kampung Sumur, East Jakarta, reported being expelled from their homes. A local Mosque Council rejected LGBT people and posted a big banner with hate speech against LGBT people. The 7 transgender women from this area were threatened by local community based organisation if they refuse to relocate[10].

In addition, there was a case happened to PLHIV was reported to Komnas Perempuan. The perpetrator was the husband of the victim. PLHIV often face the stigma from the society, especially when it happens to victims are female[11].

Fact 17:

Sex workers in Papua are officially prosecuted by the polices under the act of omission from the Regent of Waimena. These persecutions are often conducted in the Regent Office of Waimena at the wheel of mud by soaking the sex worker over-nighty[12].

[8] Rekapitulasi Data Kekerasan Februari 2018 – April 2019, Gaya Nusantara
[9] Naskah Catahu 2019, Komnas Perempuan, Page 27 Table
[10] Naskah Catahu 2019, Komnas Perempuan, Page 74
[11] Naskah Catahu 2019, Komnas Perempuan, Page 44
[12] https://www.ceposonline.com/2019/03/11/terjaring-razia-11-psk-dan-mucikari-direndam-di-kolam-lumpur



Target 16.3: Promote the rule of law at the national and international levels and

From the annual report of Komnas Perempuan, few cases of violence against LGBTIQ people were reported and followed up by authority and law enforcement.

This phenomenon also happened with cases handled by other organisations. Few cases are in follow up process; many survivors are either afraid of threats or being expelled from their home when pursuing follow-up.

Gaya Nusantara had 2 cases and LBH Masyarakat had 1 case to be followed up from January 2018 – June 2019.

Target 16.7: Ensure responsive, inclusive, participatory and representative

Nowadays, mostly NGOs in Indonesia take actively engagement at Sub Regional level at ASEAN, regional level at UN Asia – Pacific, as well as Global level at UN Head Quarter and its partners. These methods must be taken by CSO due to the lack of opportunity to engage at local and national levels. It's becoming essential to run the advocacy of KPs issues outside of the country in order to attract more attention on particular issue such as LGBTIQ, HIV & AIDS and PWUD.

Civil society organisations are actively engaged in the government meetings, especially on the issue of HIV & AIDS. A study from IPPI and Fokus Muda stated that Ministry of Health of Republic Indonesia engaged them in budget planning on SRHR on Mid Term National Budget Plan of 2018 – 2024[36]. However, on the other hand, few organisations were invited to contribute to the draft of the National Action Plan on Human Rights.

Interview:

"CCM Indonesia Executive Secretary stated that the important of health corridor must be prioritised while it seems that the government of Indonesia is not ready yet to let the Human Rights issue to stand alone as a particular goal. There is more focus on reaching out the estimates number of 600 thousand PLHIV in Indonesia, instead claiming the rights base of different interest of each KPs".

It will be a backlash when the KPs advocate the human right-based approaches to the health issues, while it's somehow easier to embed the health issue such as universal health coverage to protect the interest of KPs in advocating its rights.

From the study was conducted by IAC and Seknas Fitra in two cities in Indonesia, Bandung and Semarang. It shows that mostly local governments are not prioritising the halting of HIV & AIDS in the regions. Especially the Regional Mid Term Development Plan and Annual Work Plan of local governments are still not embedding the budget for HIV & AIDS issues[37].

Target 16.B: Promote and enforce non-discriminatory laws and policies for sustainable development

The letter to Minster Foreign Affairs of the Republic of Indonesia dated 23 October 2017. This letter was sent from the High Commissioner of Human Rights, Mr. Zeid Ra'ad Al Husein. Some concern issue was raised in conjunction with the Universal Periodic Review was held in May 2017. The main issues of concern raised in conjunction with the Universal Periodic Review in May 2017 include: Ensure anti-discrimination law and repeal laws discriminating against indigenous people, lesbian, gay, bisexual, transgender and inter-sex persons, persons with HIV/AIDS and other vulnerable groups[38]; reform the draft bill of penal code ; as well as repeal laws limiting access to sexual and reproductive health services[39] and provide contraception and family planning services[40].

[36] Mini Study on SRHR, IPPI & Fokus Muda, Papua, 2018

[37] Pendanaan Organisasi Berbasis Komunitas Dalam Penanggulangan HIV & AIDS, Studi Kota Bandung dan Kota Semarang, IAC – Seknas Fitra, 2018, Page 6 Para 3

[38] Indonesia HCL Letter, 23 Oct 2017, UN OHCHR, Annex Page 3, A. Cross – cutting issues, Para 1

[39] Indonesia HCL Letter, 23 Oct 2017, UN OHCHR, Annex Page 3, B. Civil and political rights, Para 3

[40] Indonesia HCL Letter, 23 Oct 2017, UN OHCHR, Annex Page 4, C. Economic, social, and cultural rights, Right to health

During the Mid Term Review on Population and Development in November 2018, in UNESCAP, Bangkok. The commission noted the urgent need to eliminate all forms of sexual and gender-based discrimination and violence, including intimate partner and non-partner violence, as well as violence perpetrated against lesbian, gay, bisexual, transgender, intersex or queer people[40].

As well as during the Asia Pacific Forum on Sustainable Development the document was adopted and emphasized the importance of justice, inclusive planning and rights for the most marginalized groups, including girls and women; lesbian, gay, bisexual, transgender, queer and intersex persons; people living with HIV/AIDS .

Recommendations to Government and other stakeholders

In order to achieve Goal 16, we recommend the following:

During the Mid Term Review on Population and Development in November 2018, in UNESCAP, Bangkok. The commission noted the urgent need to eliminate all forms of sexual and gender-based discrimination and violence, including intimate partner and non-partner violence, as well as violence perpetrated against lesbian, gay, bisexual, transgender, intersex or queer people .

As well as during the Asia Pacific Forum on Sustainable Development the document was adopted and emphasized the importance of justice, inclusive planning and rights for the most marginalized groups, including girls and women; lesbian, gay, bisexuatl, transgender, queer and intersex persons; people living with HIV/AIDS[41].

1. Firstly, development and laws and regulations enforcement must be based on free corruption and discrimination. It must be the benchmark of development practices.
2. Secondly, there must be proof to develop health, education, social protection programs and livelihood must be from universal enumeration and giving equal opportunities to all citizen regardless social, economic, political statuses, gender, religions, ethnic and other statuses.
3. Thirdly, the policies must ensure the systems are responsive to mitigate the risks and addressing the violence against children, women, and vulnerable groups.

[40] Asia - Pacific Mid Term Review on Population and Development, November 2018, ESCAP/APPC/2018/5 Page 13 Point 25 Line 17

[41] Asia - Pacific Forum on Sustainable Development, March 2019, ESCAP/RFSD/2019/3 Page 6 Point 7 Line 4

4. Fourthly, the laws must ease each individual to access justice. It must include funding assistance to advocates and litigations assistances be available and accessible.

5. Fifthly, the systems must ensure public information is transparent, accessible, and available at all time. These aims to provide the citizen rights and as feedbacks to the government to improve the quality of services in order to enhance the government accountability.

3. Conclusions

The number of female representations in all level nowadays are increasing. However, the understanding in formulating the program that benefitting KPs are still lack in their mindset.

KPs are not acknowledged by the system due to pervasive stigma, discrimination, and violence. It hinders the enjoyment of human rights fulfillment, particularly the services to KPs. This causes KPs to become hidden population and left behind from attainment of development and social benefits.

Meaningful dialogue between the government and KPs must be prioritised in the formulation of new laws, policies, and regulations. As illuminated above, too often this dialogue does not take place in Indonesia at the district and national levels, causing the regulatory framework to inadequately serve the needs of key populations.

Opportunities for KPs to engage with these policy processes should be embedded into the districts and national levels, so that KPs can benefit from the programs and efforts of the Government of Indonesia to realize the 2030 Agenda and provide adequate job opportunities, economic growth, cultural acceptance, and political inclusion.

Stigma and discrimination remain rampant across current government programs, including on health. This is particularly dangerous for the health not just of KP communities, but for the entire country.

A mutual partnership among the government and CSOs is needed in order to reach a comprehensive understanding of the issues, including sexual and reproductive health and rights for young people and all of civil society. The mutual partnership is not merely the inclusiveness to engage the non-state actors, but also formulating working plans and funding opportunities for young people and civil society organizations.

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