



Queering  
Internet  
Governance  
in Indonesia





# Queering Internet Governance in Indonesia



FORDFOUNDATION



APC

ASSOCIATION  
FOR PROGRESSIVE  
COMMUNICATIONS

**://EROTICS**  
EXPLORATORY RESEARCH ON SEXUALITY & ICTS

***Queering Internet Governance in Indonesia***  
***An exploratory research in Indonesia***

**Authors:**

Kamilia Manaf  
Dewi Nova Wahyuni  
Ikram Baadila

**Contributors:**

Ni Loh Gusti Madewanti  
Nyx Mclean  
Manjima Bhattacharjya

**Reviewers:**

Jac SM Kee  
Nadine Moawad  
Caroline Tagny  
Charrisse Jordan  
Sheherezade Kara  
Bishakha Datta

**Publication production:**

Hanny Ika Yuniati

Published by Institut Pelangi Perempuan in cooperation with  
Association for Progressive Communication and Ford Foundation  
2014

ISBN 978-979-17983-4-1

# Table of Contents

<b>Executive Summary</b> .....	iv
<b>Part I Introduction</b> .....	1
Background .....	1
Purpose and Objective .....	2
<b>Part II Research Methodology</b> .....	4
<b>Part III Terms and Concepts</b> .....	8
<b>Part IV Findings : Situation of LGBTIQ in Indonesia and Internet Governance</b> .....	15
A. Internet is Strategic Media to Promote and Enforce Human Rights of LGBTIQ .....	18
B. Abandonment of Rights of LGBTIQ on the Internet .....	25
C. Involvement of LGBTIQ Movement in Indonesia in Queering Internet Governance at National and Global Level.....	38
<b>Part V Analysis Conclusion and Recommendation</b> .....	45
Conclusion.....	45
Recommendation .....	53
References.....	58
About the Authors .....	64

## EXECUTIVE SUMMARY

# Queering Internet Governance in Indonesia

### A. INTRODUCTION

In Indonesia, sexuality has gradually become a more and more open public discourse. Conflict on discourse of sexuality expands through the use of Internet. On the one hand, Internet has given space to the advancement of Human Rights including Human Rights of Lesbian, Gay, Bi-sexual, Transgender, Intersex and Queer (LGBTIQ). On the other hand, the technology creates a space, which preserves status quo, discrimination and violence against LGBTIQ that has previously been evident in offline spaces. That is, due to the lack of human rights protection of LGBTIQ on Internet governance, as is the lack of security in the same physical space.

Harassment and *homophobic* bullying, which include online delivery of hate speech against the LGBTIQ referred to as cyber-homophobia is among the behaviors appearing in social network and other cyber spaces. The blockade of LGBTIQ websites by several Internet Service Providers (ISP) has been happening since 2011. The act is often a one-sided decision without prior notification to owner of website. More often than not, the process is committed by both ISP and Ministry of Communication and

Informatics Republic of Indonesia, without a transparent and accountable consultation to the owner of the website. This is clearly detrimental to any individual or group in an effort to access information about human rights, reproductive rights and sexual rights.

## **B. CHALLENGING BACK DISCRIMINATION: Queering Internet through EROTICS Indonesia Exploratory Research**

Refused to become part of the silent majority, Institut Pelangi Perempuan (IPP) conducted an exploratory research related to the LGBTIQ rights in the internet governance in Indonesia. This research is an attempt to challenge and build social movements through a process of advocacy in the fight against *cyber-homophobia* and blocking decisions unilaterally LGBTIQ sites in Indonesia. The movement initiated by IPP to be a part of a social movement that wants to introduce to the term of *queering* Internet governance.

In an effort to '*queering*', this research has an urgent and important to be conducted to observe a problem that has not yet been able to be clearly identified in terms of situation and existence. More often than not, such case appears when we have not had enough knowledge on conceptual difference and articulation of facts in exploratory relation.<sup>1</sup> IPP conducts the research in cooperation with EROTICS<sup>2</sup> (Exploratory Research on Internet and Sexuality) in Indonesia. EROTICS has been conducted in several countries in the world including Brazil, Lebanon, India, USA and South Africa. The EROTICS global network is working under the coordination of Association for Progressive Communication (APC),<sup>3</sup> an international organization working in research, policy advocacy, and campaign of Internet Rights as part of Human Rights.

---

1 Shields, Patricia and Rangarjan, Nandhini. 2013. *A Playbook for REsearch Methods: Integrating Conceptual Frameworks and Project Management*. Stillwater, OK: New Forums Press.

2 EROTICS: Sex, Rights and the internet, <http://www.genderit.org/resources/erotics-sex-rights-and-internet-study>

3 Association for Progressive Communication [www.apc.org](http://www.apc.org)

Consider the reference data that has been previously studied, so far there is no research data that can be one of reference for the development to the discourse of LGBTIQ human rights discourse on Internet governance in Indonesia. For this reason, exploratory research under collaboration work between IPP and EROTICS becomes important to be conducted.

### **C. VOICE OF THE RESOURCES PERSON: Part of The Movement Against Discrimination and Violence**

This exploratory research has three main objectives in order to fulfill and protect the rights of LGBTIQ, both individuals and groups on the internet medium. In an effort to *queering*, the results of this research aims to (1) Explain the role of internet in advancing the Human Rights of LGBTIQ and LGBTIQ online activism in Indonesia. (2) Articulate LGBTIQ advocacy in integrating Human Rights of LGBTIQ in internet governance or queering the internet governance in Indonesia. (3) Articulate challenges of LGBTIQ movements in Indonesia both in offline and online spaces in order to map the relation between the two.

By using a feminist analysis, it should be underlined that in this exploratory research is not intended to give final answer but to build hypotheses on what has been happening in relation to a certain situation. Subjects of the research were part of a collaborative effort of advocacy in order to generate hypotheses about what is happening to a situation, in particular cases of discrimination, violence and harassment experienced by individuals and groups of LGBTIQ in the internet space.

These hypotheses will become questions describing two or more inter-connected variables. In order for the results of this study favor the protective measures, enforcement and fulfillment of human rights, especially for marginalized groups, exploratory qualitative research requires the researcher to build a good relationship (*rapport*) with informants. Building trust through communication started in online portals, frequently asked questions and correspondence using online



media, followed by direct interview and build spaces that liquid in a focused group discussion (FGD). The participants involved in the research are activists from various civil society organizations such as Satu Dunia, ICT Watch, the Institute for Criminal and Justice Reform (ICJR), National Commission on Violence Against Women (Komnas Perempuan), HIVOS South East Asia region, Research Division of the London School of Public Relations Jakarta and ICT activists individuals. FGD aims to clarify and consult on the design -outline of the research results.

These methods are selected so that the process of this exploratory research, the data can be explored related meanings, values, and experiences of the informants. Exploratory qualitative approach, using framework analysis of feminism and human rights instruments, are needed to collect a variety of information regarding the promotion and the neglect of human rights in the world online LGBTIQ associated with the practices and policies in the offline world.

#### **D. URGENCY OF EROTICS INDONESIA: What is the Importance of Exploratory Research?**

The method is performed in an effort to *queering* Human Rights LGBTIQ both individuals and groups related to internet governance, first step was done with data collecting technique through EROTICS global survey, which was launched on March 8, 2013 by the APC. The reason for employing this technique is to disclose various challenges faced by sexual rights activists in using the internet at the global level. This survey was distributed worldwide in EROTICS focus countries namely India, Lebanon, South Africa, Brazil, USA, and Indonesia.

These International survey has been conducted globally, was very interesting. To see the variations in the context of forms of violence as a real challenge for LGBTIQ both individuals and groups and advocacy efforts that have been made, as part of the fulfillment of the human rights struggle.

As an initial trigger, it already determined the respondents of EROTICS Indonesia research, the respondents were the sexual rights activists such as LGBTIQ human rights activists, women activists living with HIV/AIDS, feminist on the Islamic boarding school, anti-human trafficking activists, National Commission on Violence Against Women (Komnas Perempuan), academics on gender issues and sexuality and other sexual rights activists. Primary data from a survey of Indonesian EROTICS serve as guidelines for elaborating it through in-depth interviews. It is important to do the in-depth exploration of the data from the primary data survey.

This data collection technique is considered appropriate for the research as it facilitates exploration of experience of various actors. As much as 11 activists consist of 3 females and 8 males participate in the interview. Some of them are LGBTIQ activists and activists of internet rights and internet governance as well as women's rights activists. The gender gap of people we interviewed really represents the limited participation of women or transgender activists who are quite active in voicing for the internet or communication and information technology rights. Men remain dominant in the interview. Three (2 men and 1 woman) of the 11 in-depth interview informants were also the EROTICS Indonesia survey respondents.

### **E. 'QUEERING': The Citizen's Demands and Social Movements**

Various attempts have been mentioned affirmative thorough protection and respect to every individual that sexual orientation and gender identity varied. On June 17, 2011 the UN Human Rights Council adopted a resolution titled "Human rights, sexual orientation and gender identity", which expressed grave concern about acts of violence and discrimination committed against individuals because of their sexual orientation and gender identity. This resolution reaffirms Universal Declaration of Human Rights ratified by the Government of Indonesia through enactment of Act No. 39 Year 1999 on Human Rights. The resolution requested the UN High Commissioner for Human Rights to

prepare a study documenting discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity. The study<sup>4</sup> was published in December 2011 and presented to the Human Rights Council in March 2012 and contains a list of strong recommendations to Member States. The report affirms that States have a duty under international law to protect the human rights of all persons, including those who are lesbian, gay, bisexual, transgender and intersex.

On July 5, 2012, was an important milestone the Human Rights Council of UN has adopted Resolution on Promotion, Protection and Enjoyment of Human Rights in Internet.<sup>5</sup> The resolution was supported by 70 member countries of the Human Rights Council including China, Brazil, Nigeria, Ukraine, Tunisia, USA, England and Indonesia. The resolution basically affirms its operating principle in paragraph 1 by stating that “*human rights owned by individual in offline world should also be protected in online spaces*”. The basic principles of human rights in relation to Internet include privacy, freedom of expression, rights to receive information, protection of culture, languages and diversity, and rights for education (Kurbalija, 2012).

*Queering internet governance* moved from the experiences and awareness that internet is a subject/actor that plays an important part as political and public sphere in social transformation. Internet as a political and public sphere is influenced by multi-stakeholder with diversity and various gender identity and sexual orientation hence it will make the content and policy on internet in need of a continuous advocacy process. IPP develops the concept as a way to build theory based on experiences and research result, and it is open for falsification and verification. The promotion of this theory will benefit the organization in developing

---

4 [http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.41\\_English.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.41_English.pdf)

5 UN Human Rights Council, Resolution: The promotion, protection and enjoyment of human rights on the Internet, A/HRC/20/L.13, adopted on 5 July 2012

strategy and advocacy to fight *cyber-homophobia*, including the blockage of LGBTIQ websites.

There are at least three purposes of enjoying the internet existence by the LGBTIQ movement, firstly, to use the internet to provide a safe media of communication to organize the group; secondly, to be used as media to disseminate advocacy and education; thirdly, facilitate extension of spaces of advocacy, not only with regards to the issue of LGBTIQ but also to other Human Rights issues including the rights of minority groups, women, environment and others. From three interests of the existence of the internet, the effort to *Queering* internet governance is an urgent matter.

# Introduction

## BACKGROUND

In Indonesia, sexuality has gradually become a more and more open public discourse. Conflict on discourse of sexuality expands through the use of Internet. On the one hand, Internet has given space to the advancement of Human Rights including Human Rights of Lesbian, Gay, Bi-sexual, Transgender, Intersex and Queer (LGBTIQ). On the other hand, the technology creates a space, which preserves status quo, discrimination and violence against LGBTIQ that has previously been evident in offline spaces.

Harassment and homophobic bullying, which include online delivery of hate speech against the LGBTIQ referred to as cyber-homophobia is among the behaviors appearing in social network and other cyber spaces. The blockade of LGBTIQ websites by several Internet Service Providers (ISP) has been happening since 2011. The act is often a one-sided decision without prior notification to owner of website. More often than not, the process is committed by both ISP and Ministry of Communication and Informatics Republic of Indonesia, without a transparent and accountable consultation to the owner of the website.

## PURPOSE AND OBJECTIVE

In response to such situation, in 2012, LGBTIQ activists began advocating Human Rights of LGBTIQ in the area of Internet management. These activists include Institut Pelangi Perempuan (IPP), Ourvoice (OV), Arus Pelangi and Gamacca. The social movement and process of advocacy against *cyber-homophobia* and the decision to close LGBTIQ websites in Indonesia then become a movement introduced as “Queering Internet Governance in Indonesia.”

IPP in collaboration with organizations mentioned above initiate exploratory research in relation to Human Rights of LGBTIQ and the internet governance in Indonesia.

Exploratory research is conducted to observe a problem that has not yet been able to be clearly identified in terms of situation and existence. More often than not, such case appears when we have not had enough knowledge on conceptual difference and articulation of facts in exploratory relation.<sup>1</sup> IPP conducts the research in cooperation with EROTICS (Exploratory Research on Internet and Sexuality) in Indonesia<sup>2</sup>. EROTICS has been conducted in several countries in the world including Brazil, Lebanon, India, USA and South Africa. The EROTICS global network is working under the coordination of Association for Progressive Communication (APC),<sup>3</sup> an international organization working in research, policy advocacy, and campaign of Internet Rights as part of Human Rights. The result of this research is expected to serve as one of the materials in developing the discourse of Human Rights of LGBTIQ in internet governance in Indonesia.

The objectives of this research are to:

- Explain the role of internet in advancing the Human Rights of

---

1 Shields, Patricia and Rangarjan, Nandhini. 2013. *A Playbook for REsearch Methods: Integrating Conceptual Frameworks and Project Management*. Stillwater, OK: New Forums Press.

2 EROTICS: Sex, Rights and the internet, <http://www.genderit.org/resources/erotics-sex-rights-and-internet-study>

3 Association for Progressive Communication [www.apc.org](http://www.apc.org)

LGBTIQ and LGBTIQ online activism in Indonesia.

- Articulate LGBTIQ advocacy in integrating Human Rights of LGBTIQ in internet governance or queering the internet governance in Indonesia.
- Articulate challenges of LGBTIQ movements in Indonesia both in offline and online spaces in order to map the relation between the two.

Several questions explored in this research include:

1. How is the role of internet in promoting Human Rights of LGBTIQ and advancing the LGBTIQ movement in Indonesia?
2. How is the situation of online discrimination and violence against LGBTIQ in the context of Law and Human Rights?
3. What are the strategies of advocacy selected by LGBTIQ movement in queering internet governance in Indonesia, and what are the ways and roads taken?

# Research Methodology

The research uses qualitative and exploratory design method, which limits the study to identification of ideas, thoughts and knowledge in relation to the issue. This methodology is selected to provide better understanding on a situation. In addition, this research is design not to give final answer but to build hypotheses on what has been happening in relation to a certain situation. These hypotheses will become questions describing two or more inter-connected variables. Follow up research is necessary to further study the findings of this exploratory research.<sup>4</sup> Both approaches are used to collect information on online advancement and ignorance of Human Rights of LGBTIQ in relation to practices and policies in offline spaces. Exploratory research with qualitative method requires a natural setting. Hence, researcher needs to build rapport with informants. Trust building starts with online communication, inquiry and correspondence followed by direct interview. The method is used to explore data in relation to meaning, value, and experience of informant.

This study also employs data collecting technique through EROTICS global survey, which was launched on March 8, 2013 by the APC. The reason for employing this technique is to disclose various challenges faced by sexual rights activists in using the internet at the global level. This survey was distributed worldwide in EROTICS focus countries namely

---

4 Exploratory, Descriptive and Causal Research Design [http://www.monroecollege.edu/AcademicResources/ebooks/9781111532406\\_lores\\_p01\\_ch03.pdf](http://www.monroecollege.edu/AcademicResources/ebooks/9781111532406_lores_p01_ch03.pdf)



India, Lebanon, South Africa, Brazil, USA, and Indonesia. Indonesian respondents of the global survey include activists of sexual rights and Human Rights of LGBTIQ, Women Living with HIV/AIDS, Muslim feminists based in Islamic Boarding School (*pesantren*), anti-trafficking in person activists, National Commission on Anti Violence Against Women (Komnas Perempuan), academics working on the issue of gender and sexuality and other activists of sexual rights. In addition, in-depth interview to explore and verify data has also been conducted. This data collection technique is considered appropriate for the research as it facilitates exploration of experience of various actors. As much as 11 activists consist of 3 females and 8 males participate in the interview. Some of them are LGBTIQ activists and activists of internet rights and internet governance as well as women's rights activists. The gender gap of people we interviewed really represents the limited participation of women or transgender activists who are quite active in voicing for the internet or communication and information technology rights. Men remain dominant in the interview. Three (2 men and 1 woman) of the 11 in-depth interview informants were also the EROTICS Indonesia survey respondents.

After conducting survey and in-depth interview, the team also organized focused group discussion by inviting research respondents and involving other civil society organizations such as Satu Dunia, ICT Watch, Institute for Criminal and Justice Reform, National Commission on Anti-Violence Against Women (Komnas Perempuan), HIVOS South East Asia Region, division of research of the London School of Public Relations Jakarta, and individuals who are active in information and communication technology. The FGD was aimed to clarify and consult the result of research.

The secondary data is obtained through library study, peer-reviewed journal, bulletin, newspaper articles and other related documents.

## Terms and Concepts

**Bullying** is the use of power, threat or force to abuse, intimidate or aggressively force domination over the other. The act is often committed repeatedly and becomes a habit. One of the most important requirements for bullying is perception and unequal social and physical relation. The behavior employed to affirm domination may include verbal harassment and physical attack directed repeatedly toward certain target. Rationalization of such act often comes from differences in class, race, religion, gender, sexuality, appearance, behavior, power, size and ability (Ericson, 2001).

Bullying consists of four types of harassment namely emotional, verbal, physical, and cyber bullying committed through medium of technology (Brank, 2012). They who have become target of bullying may suffer from emotional and behavior problem that can last longer. Bullying also causes isolation, depression, anxiety, and vulnerability toward diseases (Kipling, 2013). There are evidence that bullying increases the risk of suicide (Kim, 2008).

**CEDAW (Convention on Elimination of All Forms of Discrimination Against Women)**<sup>5</sup>, CEDAW was adopted in 1979 by UN General Assembly. It is considered as international instrument on the rights of women.

---

5 Look at the websites of UN Women <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

The convention consists of a preamble and 30 articles which define discrimination of women and instill national agenda of action to end discrimination. Indonesia has ratified CEDAW through Act No.7 Year 1984 on Ratification of Convention on Elimination of All Forms of Discrimination Against Women.

**Coming Out**, a colloquial terms to define an act of revealing sexual and/or gender identity of the LGBTIQ.

**Cyber-homophobia**, cyber bullying and hate speech against certain non-heterosexual sexual orientation and gender identity that looks ‘different’ from the crowd. The target of this homophobic attack is not always directed to those clearly identified as having different sexual and gender identity but also against heterosexuals that operates against the social norms. Based on the data issued by United Nations Educational Scientific and Cultural Organization (UNESCO), *homophobic bullying* is the second biggest bullying in the world.<sup>6</sup>

**Discrimination**, refers to The Yogyakarta Principles<sup>7</sup>. Discrimination is defined in the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity. The Principles are aimed at applying binding international human rights standards to address human rights violations based on sexual orientation and gender identity. The Principles were developed and adopted in Yogyakarta at Universitas Gadjah Mada on November 6-9, 2006 by an international group of legal experts, including judges, academics, a former UN High Commissioner for Human Rights, UN Special Procedures, members of treaty bodies, NGOs and others. The document contains 29 principles adopted unanimously by the experts, which are directed at State

---

6 Look at website <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/health-education/homophobic-bullying/>, on Cyber Bullying

7 The Yogyakarta Principles [www.yogyakartaprinciples.org](http://www.yogyakartaprinciples.org)

implementation, along with other recommendations for UN bodies and human rights mechanisms, regional and sub-regional intergovernmental organisations, courts, national human rights institutions, NGOs, the mass media and others.

Principle 2 of the Yogyakarta Principles namely The Rights to Equality and Non Discrimination asserts that “Discrimination on the basis of sexual orientation or gender identity includes any distinction, exclusion, restriction or preference based on sexual orientation or gender identity which has the purpose or effect of nullifying or impairing equality before the law or the equal protection of the law, or the recognition, enjoyment or exercise, on an equal basis, of all human rights and fundamental freedoms. Discrimination based on sexual orientation or gender identity may be, and commonly is, compounded by discrimination on other grounds including gender, race, age, religion, disability, health and economic status.”

**Homophobic bullying** is hatred against sexuality and non-hetero-normative sexual orientation. The target of homophobic bullying is not always those considered as different in terms of sexual orientation and gender identity but also heterosexual whose gender expression seems different from the accepted norms and existing social construction.

Homophobic bullying is the second largest case of bullying in the world based on the report of United Nations Educational Scientific and Cultural Organization (UNESCO).<sup>8</sup>

Homophobic bullying is “a moral savagery and serious violation against human rights and society health crisis,” exclaimed UN Secretary General Ban Ki-moon.

---

8 Look at the following website <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/health-education/homophobic-bullying/>, on Cyber Bullying.

**Homosexuality and Transgender are not mental disorder.** In May 17, 1990, World Health Organization has eliminated homosexuality from the list of mental illness and/or deviance that was once included in *International Classification of Disease*. Ever since, WHO and other International Organization has positioned community of LGBTIQ as equal and as consequence entitled of the same rights. Then May 17 is commemorated as the International Day Against Homophobia, Biphobia, and Transphobia (IDAHOBIT).<sup>9</sup> At the National Level, the Ministry of Health of the Republic of Indonesia in the Guideline for Classification and Diagnosis of Mental Illness in Indonesia 2<sup>nd</sup> Edition of 1983, (PPDGJ II) and the PPDGJ III (1993) have revoked homosexuality from the list of mental illnesses.<sup>10</sup> In 2012, the American Psychiatric Association board of trustees approved the latest proposed revisions to the *Diagnostic and Statistical Manual of Mental Disorders*, what will now be known as the *DSM-5*. This marks a historic milestone for people who are transgender and gender non-conforming, as their identities are no longer classified as a mental disorder.<sup>11</sup>

**Human rights, sexual orientation and gender Identity.** On June 17, 2011 the UN Human Rights Council adopted a resolution titled “Human rights, sexual orientation and gender identity”, which expressed grave concern about acts of violence and discrimination committed against individuals because of their sexual orientation and gender identity. This resolution reaffirms Universal Declaration of Human Rights ratified by the Government of Indonesia through enactment of Act No. 39 Year 1999 on Human Rights. The resolution requested the UN High Commissioner

---

9 International Day Against Homophobia, Biphobia, and Transphobia (IDOHOBIT) [https://en.wikipedia.org/wiki/International\\_Day\\_against\\_homophobia\\_biphobia\\_and\\_transphobia](https://en.wikipedia.org/wiki/International_Day_against_homophobia_biphobia_and_transphobia).

10 Homosexuality is not a Sexual Deviation <http://nasional.kompas.com/read/2009/11/11/13081144/homoseksual.bukan.penyimpangan.seksual>

11 APA Revises Manual : Being Transgender is No Longer Mental Disorder <http://think-progress.org/lgbt/2012/12/03/1271431/apa-revises-manual-being-transgender-is-no-longer-a-mental-disorder/>

for Human Rights to prepare a study documenting discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity. The study<sup>12</sup> was published in December 2011 and presented to the Human Rights Council in March 2012 and contains a list of strong recommendations to Member States. The report affirms that States have a duty under international law to protect the human rights of all persons, including those who are lesbian, gay, bisexual, transgender and intersex.

**Human Rights and Business**, On June 16 2011, The Human Rights Council of the UN issued *Guiding Principles on Business and Human Rights*. For the first time ever, there is a global standard to prevent and mitigate risks of impact of business toward human rights.<sup>13</sup>

In the Chapter of State Duty to Protect Human Rights, it is stated that *“States must protect against human rights abuse within their territory and/ or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.”*

In Chapter of Corporate Responsibility to Respect Human Rights, it is stated that, *“Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.”*

Then on June 16, 2011, the Human Rights Council of the UN issued a Resolution Number A/HRC/RES/17/4 on Human Rights and Transnational Corporation as well as other Business Enterprise<sup>14</sup>

---

12 [http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.41\\_English.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.41_English.pdf)

13 Business and Human Rights <http://www.ohchr.org/EN/ISSUES/BUSINESS/Pages/BusinessIndex.aspx>

14 UN Human Rights Council, Resolution: Human Rights and Transnational Corporations and other Business Enterprises, A/HRC/RES/17/4/ adopted on June 16, 2011. <http://business-humanright.org/sites/default/files/media/documents/un-human-rights-council-resolution-re-human-rights-transnational-corps-eng-6-jul-2011.pdf>

**Human Rights on the Internet**, on July 5, 2012, the Human Rights Council of UN has adopted Resolution on Promotion, Protection and Enjoyment of Human Rights in Internet.<sup>15</sup> The resolution was supported by 70 member countries of the Human Rights Council including China, Brazil, Nigeria, Ukraine, Tunisia, USA, England and Indonesia. The resolution basically affirms its operating principle in paragraph 1 by stating that “*human rights owned by individual in offline world should also be protected in online spaces*”.

The basic principles of human rights in relation to Internet include privacy, freedom of expression, rights to receive information, protection of culture, languages and diversity, and rights for education (Kurbalija, 2012).

Article 19 Universal Declaration of Human Rights:

*Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers<sup>16</sup>.*

The 1945 Constitution of Republic of Indonesia (UUD 1945) mentioned in Article 28 C that “*every person shall have the right to develop him/herself through the fulfillment of his/her basic needs, the right to get education and to benefit from science and technology, arts and culture, for the purpose of improving the quality of his/her life and for the welfare of the human race*”<sup>17</sup>.

**ICT, (Information and Communication Technology)**

---

15 UN Human Rights Council, Resolution: The promotion, protection and enjoyment of human rights on the Internet, A/HRC/20/L.13, adopted on 5 July 2012

16 Article 19 of the Universal Declaration of Human Rights, <http://www.un.org/en/documents/udhr/>

17 1945 Constitutions Article 28C paragraph 1 <https://www.mpr.go.id/pages/produk-mpr/uud-nri-tahun-1945/uud-nri-tahun-1945-dalam-satu-naskah>

**Internet Governance**, *World Summit on Information Society* on Internet Governance stated that Internet Governance is development and application by government, private sectors, civil society, in their respective roles, principles, norms, regulations, decision making, procedures, and programs shaping the evolution and use of internet (Kurbalija, 2012).

**LBT**, Lesbian, Bi-sexual and Transgender

**Pesantren**, Islamic boarding school

**Queer**, was once recognized as slang for homosexual and other “bad” things utilized to attack homosexuals. Recently, the term is used as umbrella term for both identification and traditional sexual cultural model for the study of gay and lesbian. Little is known about the fact that Queer includes not only gay and lesbian but also cross dressing, hermaphroditism, gender ambiguity and corrective gender surgery. The main projection of Queer theory is to identify participants from category of gender and sexuality, non-permanent identities—they shall not be categorized nor labeled. This is so because identity consists of variety of components and to categorize them into in one the singular characteristics is wrong (Buttler, 2004).

Queer theory is branch of critical science that emerged in early 1990s, which includes LGBT and Feminist studies. Queer theory includes the textual and theoretical analysis of the “queerness” itself. The Queer theory was developed to include the feminist challenges on the ideas that gender is an essential part of oneself and through the gay/lesbian case studies on behavior that are constructed socially from attitude and sexual identity. These gay/lesbian studies focus on questions about natural and artificial behavior in respecting homosexual behavior. Queer theory expands its focus to also include various identity diversity and sexual



activities that are often classified as normative and deviant categories<sup>18</sup>

The Queer theory does not only question and criticize citizenship. It is also intended to deconstruct the meaning of being a citizen and represent concepts as exclusive practices of definition on who is included and excluded from the category of marginal in the society (Payne and Davies 2012).

**Queering internet governance,** Queering internet governance moved from experience and awareness that internet is a subject/actor that plays an important part as political and public sphere in social transformation. Internet as a political and public sphere is influenced by multi-stakeholder with diversity and various gender identity and sexual orientation hence it will make the content and policy on internet in need of a continuous advocacy process. IPP develops the concept as a way to build theory based on experiences and research result, and it is open for falsification and verification. The promotion of this theory will benefit the organization in developing strategy and advocacy to fight *cyber-homophobia*, including the blockage of LGBTIQ websites.

**Sexuality** is central aspect of humanity including sex, gender identity, sexual orientation, eroticism, pleasure, intimacy and reproduction. Sexuality is experienced and expressed in mind, fantasy, believe, attitude, values, behaviors, practices, roles and relationships. While sexuality covers all aspects and dimension, not all can be expressed. Sexuality is influenced by interaction of biological, psychological, social, economy, politics, and cultural, historical, religious, and spiritual factors. In addition, according to WHO, sexual rights has been included in Human Rights and other international documents and consensus. Include in these documents are the rights for every people to be free from discrimination, violence and coercion in order for them to be able to:

---

18 Queer Theory [https://www.princeton.edu/~achaney/tmve/wiki100k/docs/Queer\\_theory.html](https://www.princeton.edu/~achaney/tmve/wiki100k/docs/Queer_theory.html)

- 1) Earn the highest standard of sexual health which includes access to sexual and reproductive health services;
- 2) Look for, accept and deliver information related to sexuality, sexuality education and respect toward the integrity of the body;
- 3) Choose their spouse;
- 4) Decide to become sexually active or not within a consensus based relation;
- 5) Marry based on consensus;
- 6) Decide on willingness or unwillingness as well as where and when to have children; and Achieve safe and fulfilling sexual life.<sup>19</sup>

**Violence**, according to the Declaration on the Elimination of Violence Against Women<sup>20</sup>, which was first proclaimed by the UN General Assembly on December 20, 1993, in Article 1 the definition of Violence Against Women is any act perpetrated on the basis of sexual difference, which will bring implication or cause suffering on women physically, sexually or psychologically, including threats on those acts, arbitrary acts or deprivation of liberty, either in public or in personal space.

---

19 WHO Sexual and Reproductive Health [http://www.who.int/reproductivehealth/topics/sexual\\_health/sh\\_definitions/en/](http://www.who.int/reproductivehealth/topics/sexual_health/sh_definitions/en/)

20 Declaration on the Elimination of Violence Against Women. <http://www.un.org/documents/ga/res/48/a48r104.htm>

### SITUATION OF LGBTIQ IN INDONESIA AND INTERNET GOVERNANCE

Indonesia is known as a country with the largest Muslim population and also a country rich in culture, ethnicity, religion, and race. The population is more than 250 million people with diverse background of sexuality. Diversity has become the signature of the culture of Indonesia since hundreds of years ago. The fluid and diverse sexuality is evident in cultural practices of the people of Indonesia, which includes dance and other artistic expressions. Among the representations of homosexual practices are *warok* and *gemblok* in East Java and the acknowledgement and existence of *Bissu*<sup>21</sup> (transgender) in the social structure of South Sulawesi. These people are acknowledged because of their spirituality and because of their role as religious leader and as medium between human and his/her Creator in the tradition of Buginese in South Sulawesi.

On May 17, 1990, the World Health Organization (WHO) has erased homosexuality from the Classification of Mental Disease (deviation). Ever since, WHO and other International Organization has positioned community of LGBTIQ as equal and as consequence entitled of the same rights. Then May 17 is commemorated as the International Day Against Homophobia, Biphobia, and Transphobia (IDAHOBIT). At the National Level, the Ministry of Health of the Republic of Indonesia in the Guideline for Classification and Diagnosis of Mental Illness in Indonesia 2<sup>nd</sup> Edition of 1983, (PPDGJ II) and the PPDGJ III (1993) have revoked homosexuality from the list of mental illnesses. In 2012, the American Psychiatric Association

---

21 Bissu <https://id.wikipedia.org/wiki/Bissu>

(APA) board of trustees approved the latest proposed revisions to the Diagnostic and Statistical Manual of Mental Disorders, what will now be known as the DSM-5. This marks a historic milestone for people who are transgender and gender non-conforming, as their identities are no longer classified as a mental disorder.<sup>22</sup>

The Reform Era in Indonesia, which began in 1998 has opened up democracy spaces and efforts to enforce human rights. This democracy space is also celebrated by the LGBTIQ to voice Human Rights of LGBTIQ as part of Universal Human Rights. Several civil society organizations emerged to support Human Rights of LGBTIQ. In Indonesia, the movement is marked with the appearance of several organizations openly identify themselves as LGBTIQ organization. The work on different issues in various platforms starting from self-organized groups to larger organizations to facilitate awareness raising on the issue of Human Rights of LGBTIQ in Indonesia, open spaces for expressions, provide counseling and trauma healing for LGBTIQ experiencing violence and discrimination and initiate publications to spread knowledge on LGBTIQ. Since 2012, 23 LGBTIQ organizations have been succeeded in writing and publishing annual report on Human Rights violation against LGBTIQ.<sup>23</sup> At the same year, Yulianus Rettoblaut (transgender activists) and Dede Oetomo (gay activists) participated in the selection of commissioner of National Commission on Human Rights (KOMNAS HAM) although they did not gain political support.

The LGBTIQ movement was also involved in the development of the Yogyakarta Principles. The Yogyakarta Principles contain legal and human rights principles in relation to sexuality and gender identity formulated by legal and human rights experts as well as LGBTIQ activists from around the world in 2006 in Yogyakarta, Indonesia. The Principles have become a benchmark of international legal standards regarding sexual

---

22 APA Revises Manual : Being Transgender is No Longer Mental Disorder <http://think-progress.org/lgbt/2012/12/03/1271431/apa-revises-manual-being-transgender-is-no-longer-a-mental-disorder/>

23 Report on the Situation of LGBTIQ Human Rights in Indonesia 2012, Abandonment of Sexual Orientation and Identity Based Human Rights, We Refuse to be Quiet, Indonesia LGBTIQ Forum.

orientation and gender identity, and were launched as a global charter of rights for LGBTIQ people. In 2011, the UN Human Rights Council adopted a resolution on\* Human Rights, Sexual Orientation and Gender Identity\*. This resolution, adopted on June 17, 2011 affirms human rights principles apply to issues of sexual orientation and gender identity. It reaffirms the Universal Declaration of Human Rights ratified by the government of Indonesia through Act No. 39 Year 1999 on Human Rights. The resolution also expresses grave concern about acts of violence and discrimination based on sexual orientation and gender identity. The UN report mandated by the resolution affirms that States have a duty under international law to protect the human rights of all persons, including those who are lesbian, gay, bisexual, transgender and intersex.

The growth of LGBTIQ movements in Indonesia and their involvement at international level advocacy is inseparable from the growth of the internet. The entire movement is supported and facilitated by the growth in communication technology, which allows high speed transfer in information and communication through access of internet coming to Indonesia in 1990 through Paguyuban Network. In further development, internet also becomes a space of contestation of social and political issues in Indonesia. Hence, aside from facilitating the advancement of Human Rights of LGBTIQ, the internet also expands discrimination and violence against the group.

Simultaneously, the violent and intolerant groups appear. These groups have been posing threats to LGBTIQ and HIV/AIDS activists since 2000. In 2010, Islamic Defender Front (FPI) and other similar Muslim organizations rallied to close meetings related to Human Rights of LGBTIQ by using violence. In March 2010, International Conference of Association of LGBTI (ILGA) Regional Asia IV in Surabaya, was closed by community organizations carrying Islamic symbols. Not long after, in April 2010 the meeting between Transgender Activists and the KOMNAS HAM was closed by similar organizations.<sup>24</sup> Threat and attack toward LGBTIQ

---

24 Human Rights Watch World Report 2011 for Indonesia <http://www.hrw.org/world-report-2011/indonesia-o>

community continue until today and the community has not received any proper protection from the government. Alongside the progress of the use of the internet, threats against LGBTIQ also appear online. Both online and offline threats are interconnected and contra-productive to the effort of protecting the Human Rights of LGBTIQ in Indonesia.

The following are initial findings on the interaction of internet with LGBTIQ community. The first part of the findings describes the role of Internet in promoting Human Rights for LGBTIQ, the second part describes the act of discrimination and ignorance against the group, and the third part explore the efforts of LGBTIQ movements in integrating human rights of LBTTIQ with queering internet governance in Indonesia.

## **A. INTERNET IS STRATEGIC MEDIA TO PROMOTE AND ENFORCE HUMAN RIGHTS OF LGBTIQ**

There are at least three purpose of enjoying the internet existence by the LGBTIQ movement, firstly, to use the internet to provide a safe media of communication to organize the group; secondly, to be used as media to disseminate advocacy and education; thirdly, facilitate extension of spaces of advocacy, not only with regards to the issue of LGBTIQ but also to other Human Rights issues including women, environment and discrimination. The third use is translated into the development of portal. The following is the detail of the findings:

### **1. Safe Media of Communication to Organize LGBTIQ**

For LGBTIQ community exposing their gender identity and sexual orientation is not as easy as their heterosexual counterparts. It happens because the state has not acknowledged their identity and there is no legal protection on violence and discrimination based on gender identity and sexual orientation. The perspective of the society and religious interpretation toward the group also provide additional constraint for LGBTIQ to openly speak about their identity. In this situation, internet becomes one of the strategic choices for LGBTIQ to interact and build their safe space.

*Institut Pelangi Perempuan (IPP)/Women Rainbow Institute*<sup>25</sup>, a youth organization of lesbian, bi-sexual, and transgender based in Jakarta uses ICT as a medium for community organizing. IPP started to organize the LBT group via mailing list in 2005. The mailing list soon became one of the community media facilitating the emergence of LBT youth movement in Indonesia. One year later (2006), one of the members of the mailing list with expertise in ICT transformed the mailing list into online discussion forum through [www.satupelangi.com](http://www.satupelangi.com). In 2007, the online discussion forum expanded the coverage of its activities and transformed the website into an organization website by the name of [www.pelangiperempuan.or.id](http://www.pelangiperempuan.or.id). The website publishes feature articles, e-book, and CD magazine on the rights of young LBT. The online discussion facilitate by the previous website remain. The discussion mostly occurs between IPP organizers and the community of young LBT. The “contact” tab provides space for visitors of the website to leave message and forward the message to IPP email address. Visitors of the website contact IPP in order to extent their network, consult IPP, or participate in their activities by becoming volunteers at IPP. The following is the example of two emails coming in October and November 2013, through the “contact” tab at the website:

Email from Neni (pseudonym), private employee.

*Subject: Introduction*

*Dear administrator of the website of IPP. I am a middle-aged woman, and I'm 50 years old. I work as an employee in one of the companies in Jakarta. I began to feel that I am a bisexual when I reached this age. I have husband and children but I am also attracted to persons of the same sex. Through this forum, although I may not be young, I would like to ask whether or not I can participate in your communities and activities.*

*Yours,*

*Neni - Jakarta*

---

25 IPP website [www.pelangiperempuan.or.id](http://www.pelangiperempuan.or.id)

Email from Ina (pseudonym), student, Yogyakarta.

*Good afternoon, I am Ina, as student from Yogyakarta. I am really interested in joining IPP. Do you have branch or representative office in Yogyakarta? I would like to visit your office and share my experience. Thanks.*

The above emails show that internet provide a safe space to communicate and interact with the community in particular network.

Encouraged by the need to create safe space, IPP that was legally registered in 2006, facilitate offline meetings. Through exchanges of phone number and email via mailing list, member of the mailing list started to conduct informal meetings in a group of 3 to 5 persons. The member of this group is increasing from time to time. They choose several cafes and public spaces in Jakarta as meeting point. They discuss issues related to experience of young LBT and design activity to mobilize and empower young LBT community in Jakarta. The meetings indirectly serves as support group for young LBT which turned into badminton, film and dancing clubs.

In addition to sport and art club, IPP also facilitates regular discussion and training involving activists from Human Rights and feminist network. The discussion session is later named *Kongkow Lez* and *Lez School*, (Manaf, 2011). *Kongkow Lez* is a forum focuses on the discussion of the issue of lesbianism including reproductive health, religious interpretation, homosexuality from psychological perspective, lesbianism from legal perspective, and other feminist issues. The *kongkow* (hang out) invites medical professional, psychologist, religious leaders, activists, feminists, movie director, writers, academics and other resource persons. Some of them include well-known names such as Dr. Musdah Mulia, Rev. Ester, Ninuk Widiantoro, Dr. Lukas Mangindaan (RIP) from Universitas Indonesia, Ratna Batara Munti, Yeni Rosa Damayanti, Clara Ng, Danny Yatim and several others. Meanwhile, *Lez School* or the school of the



lesbian organizes training series covering three main curriculums: Human Rights, LGBTIQ and Feminism. Similar movements are also initiated by other LGBTIQ organizations in Indonesia.

## 2. Internet as Safe Media for Education and Advocacy

*Technology is a mere tool. So, no matter what their ideology and interest, technology will be able to help them. For feminist, technology is not just a tool. Technology is knowledge. If people can spread racism, sexual harassment, and exploitation of women through communication technology, we will make something to prevent them to happen, also through the use of technology. Hence, because we see technology as knowledge and education, the impact will be positive for awareness. (Mariana Ammiruddin, Yayasan Jurnal Perempuan)*

News and publications from mainstream media more often than not are discriminative against LBT in Indonesia. IPP encourages publication of independent media voicing the aspiration of the LBT communities. In 2007, IPP started to launch digital publication in a form of e-book, CD Magazine, and digital comic book. These publications serve as media facilitating the voice of LBT and are safe to be accessed by the community.

The choice to publish digital media is IPP's answer to the need of sense of safety of the community. Printed publication is not entirely helpful as members of the community are sometimes afraid to carry and read the publication. They are afraid that their parents, co-workers, and friends will catch them reading IPP publication and question their sexual orientation and gender identity. The concern is specifically high among young LBT who decide not to come out to their family and community just yet. IPP then initiate digital publications that are accessible via internet or through CD. This approach is proven to be effective in maintaining the privacy and security of the LBT community to access information related to lesbian sexuality.

This finding also shows that the rights of information must be fulfilled simultaneously with the right of privacy especially for young LBTs who live in the environment where their parents, friends, school-mate, co-workers are mostly homophobic.

Digital publication also helps to bring education and advocacy materials from national to international level. In 2010, IPP published comic on Yogyakarta Principles<sup>26</sup> in Bahasa Indonesia. In 2011, IPP published the English version. This comic rendered true stories of young LBT in Jakarta and analyze the story using the Yogyakarta Principles. The publication of this comic book is aimed to make information more accessible to young LBT and to help them understand legal and Human Rights terms quoted



in Yogyakarta Principles. The format of comic book is also chosen to respect privacy of the respondents whose stories become the basis of

---

<sup>26</sup> Yogyakarta Principles Comic Book can be downloaded at: <http://www.pelangiperempuan.or.id/buku/komik-yogyakarta-principles/>

the creation of the comic book.

IPP print and publish the Yogyakarta Principles comic in digital format. The distribution of the comic book in its digital version receives positive responses from readers as it is private, accessible, fast and cheap. ICT is able to accelerate the distribution of information, which in turn will be able to accelerate movement by cutting the cost. ICT also has the potential to change the direction of political information by cutting conventional participation and lead the formation of new forms of participation that is cheap and inventive which will lead into a significant increase in the level of participation (Leizerov, 2000). Bonchek (1995; 1997) stated that by lowering the cost of communication and coordination, ICT facilitate the formation of group, recruitment and retention while increasing contribution and political participation.

The support for the distribution of the comic book comes from international and national network. *Pesantren*-based Muslim feminist organization discussed the comic of Yogyakarta Principles as part of their sexuality education materials for young students studying at the *pesantren*. In February 2011, IPP presented the Yogyakarta Principles comic in 55<sup>th</sup> UN Commission on the Status of Women (CSW) in New York, USA. The LGBT organization in Belgium called *Rainbow House* and *Tel Quel Jeunes* in cooperation with Secretary of State in Brussels translated the comic book into French and Dutch and launched the comic at the commemoration of *International Day Against Homophobia, Biphobia and Transphobia* (IDAHOBIT) on May 17, 2012. The initiative is intended to make the comic as one of the media of Human Rights education for LGBTIQ in Belgium. In conclusion, the Yogyakarta Principles comic is accessible to various individuals from different region and countries due to the help of the internet. At this point, internet has facilitated the expansion of space to advocate the discourse of Indonesian Young LBT at national and international level.

### 3. Creating LGBTIQ Portal in Connection with other Human Rights Issues

*We consciously and politically choose internet as medium of our movement. I feel that internet gives me more freedom and it can reach out to wider audience. It also allows us to enter different holes that we have never realized before. Through internet we can meet LGBT, non-LGBT, those who are aware of this issue, etc. And they all appear and interact at our website. (Hartoyo, Ourvoice)*

History of LGBTIQ activism records Ourvoice (OV) as one of the pioneers in dissemination of information on LGBTIQ. Ourvoice (OV) is an NGO working to enforce the rights of diversity of sexual and gender identity in Indonesia. It is an exclusive organization with members limited to lesbian, gay, bi-sexual and transgender (LGBT) and heterosexuals who are interested in supporting the organization with ratio of 75% LGBT and 25% heterosexual.<sup>27</sup>

OV was initiated by a group gay activists on November 5, 2007. OV started to build community in 2007. Founders of OV explained that their intense communication and meetings are facilitated by internet. In March 2009, OV registered themselves and started to conduct activities both online and offline. On the internet, OV works to build alternative media to support LGBT activists from all over Indonesia to participate in discussions and to publish their work. This alternative media was then turned into news portal for LGBTIQ under [www.ourvoice.org](http://www.ourvoice.org) (now it becomes [www.suarakita.org](http://www.suarakita.org)) in 2009. In addition to providing information related to LGBTIQ, the OV also provides information related to other Human Rights issues including news on prosecution of Shia followers, feminist issues, pluralist issues, and other relevant issues. Until July 11, 2013, the number of visitors of the OV website has reached 308,335 and the average daily hit is 300 to 400 visitors.

---

<sup>27</sup> Our Voice [www.suarakita.org](http://www.suarakita.org)

Activists of OV use internet as political choice for them to conduct their activities in order to assure faster transmission and wider coverage. They also recruit member and volunteers through internet chat room. The organization not only reaches activists of Human Rights of LGBTIQ but also gays from different backgrounds including students, professionals, artists, and so on. They also reach out to those who are not LGBTIQ.

The progressive actions of OV show the connection between ICT and public participation to promote collective identities and perceptions among individuals with similar concerns. ICT enables to serve as common ground and build collective identities from a more fluid population and allows the organizers to mobilize the population for a collective action (Arquilla dan Ronfeldt 2001; Myers 2000; Brainard dan Siplon 2000). From the EROTIC Global Survey data, it is known that 47.05% of the respondents said that they will have difficulties to work or to do their daily activities without the internet.

## **B. ABANDONMENT OF RIGHTS OF LGBTIQ ON THE INTERNET**

On the one hand, internet supports the visibility of LGBTIQ movements and facilitates the advocacy of Human Rights of LGBTIQ. On the other hand, for those who do not have respect for the movement, internet is a powerful tool to preserve sexual and gender identity based violence and discrimination that has been going on for a long time at offline realms. These practices are also committed by the state through internet governance by undermining Human Rights of LBGT in regulating pornographic content which in practice also include closing down website with LGBTIQ contents. In addition, homophobic bullying through ICT is also committed by individual, organization and the state.

### **1. Institutionalization of Sexual Orientation and Gender Identity Based Discrimination and Criminalization in State Law and Regional Law**

The 1945 Constitutions, the Government of Indonesia guarantees the right of every people in Indonesia with no discrimination in any kind,

including discrimination based on gender identity and sexual orientation. This guarantee is then strengthened by the ratification of Universal Declaration of Human Rights through the enactment of the Law Number 39 of 1999 on the Ratification of the Universal Declaration of Human Rights.

In regards to the criminalization of LGBTIQ in Indonesia, Local Government of Palembang, South Sumatera, enacted By-Law No. 2 Year 2004 on Eradication of Prostitution. Article 8 of the Regional Law stated that homosexuals, lesbians, sodomy and sexual harassment are regarded as act of prostitution.<sup>28</sup>

Then in 2008 the government of Indonesia decided to enact Act No.44 Year 2008 on Pornography or Act on Pornography<sup>29</sup>. In Paragraph 1 of the General Definition, Pornography is pictures, sketches, illustration, photograph, writing, sound, voice, animated picture, moving picture, cartoon, conversation, body movement or any form of message through various forms of communication and/or performance in public, which contains element of perversion, and sexual exploitation that violates the moral norm in the community. In the elucidation of Anti-Pornography Act article 4 (1a), homosexuality is defined as deviant sexual behavior. As a consequence, all forms of media and publication related to the issue of LGBTIQ are considered carrying pornographic content. The interpretation makes LGBTIQ community vulnerable to criminalization<sup>30</sup>, although the state does not explicitly mention the existence of LGBTIQ as illegal.

On March 3, 2014, the Ministry of Communication and informatics officially launched a press release of a Ministerial Regulation on the

---

28 Hukum online on the Palembang bylaw number 2 of 2004 on Eradication of Prostitution <http://www.hukumonline.com/lt5117268acb06/node/lt4a0a533e31979/sodomi,tindak-pidana-atau-bukan>.

29 The Law Number 44 of 2008 on Pornography <http://www.kemenag.go.id/file/dokumen/442009.pdf>

30 Position paper of the Penal Code Reform Number #2/2007 on the Pornographic and Porn-like action in the Bill of Penal Code. Jakarta: lembaga studi dan advokasi masyarakat (ELSAM) by Syahrial Wirawan Martanto and Wahyu Wagiman [http://docs.perpustakaan.elsam.or.id/ruu\\_kuhp\\_files/briefing/13.pdf](http://docs.perpustakaan.elsam.or.id/ruu_kuhp_files/briefing/13.pdf)

Control of Negative-content internet website, which regulates internet content relating to pornography, gambling, and other illicit behavior<sup>31</sup>. In the Chapter 1 of the general Definition Article 1 paragraph 2 defines pornography as act that refers to the Law on Anti-Pornography, however in the elucidation they also include homosexuality as a deviant act of sexual intercourse.

The draft of Ministerial Regulation (herein afterwards is mentioned as 'draft') states that the blocking of negative-content internet sites, in which herein forward is referred as Blocking, is an act taken to stop the people from accessing information from negative-content websites. According to the draft, the objective of this Ministerial Regulation is to give Government a reference on what is defined as negative-content websites and collective role in handling the problem; protecting the public interest from internet content with negative and/or damaging impact. While the scope of this draft is the definition of negative-content website; the government and people's roles in handling negative-content websites; responsibility of Internet Service Provider in handling negative-content websites; procedure for blocking and unblocking the blocked negative-content websites.<sup>32</sup>

*First, the Law shall regulate this internet governance policy; and secondly since it is regulated by the law, the restriction only applies to criminal-related issues. So the word illegal in the ministerial regulation is very dangerous, the perpetrator shall be criminally sanctioned not because it is illegal. It's two different things. Since this relates closely*

---

31 Siaran Pers Tentang Uji Publik RPM Yang Mengatur Tata Cara Pemblokiran Konten Internet Negatif [http://kominfo.go.id/index.php/content/detail/3879/Siaran+Pers+No.+24-PIH-KOMINFO-3-2014+tentang+Uji+Publik+RPM+Yang+Mengatur+Tata+Cara+Pemblokiran+Konten+Internet+Negatif+/o/siaran\\_pers](http://kominfo.go.id/index.php/content/detail/3879/Siaran+Pers+No.+24-PIH-KOMINFO-3-2014+tentang+Uji+Publik+RPM+Yang+Mengatur+Tata+Cara+Pemblokiran+Konten+Internet+Negatif+/o/siaran_pers)

32 Position Paper 1/2014 tentang Menolak Rencana PerMen Sensor Sapujagat 2013-2014, Indonesian Media Defense Litigation Network (IMDLN) dan Institute for Criminal Justice Reform (ICJR), oleh Supriyadi Widodo Eddyono & Anggara, [http://icjr.or.id/data/wp-content/uploads/2014/06/Position-Paper-Hukum-Internet-1-blokning-dan-Filtering-internet\\_Final.pdf](http://icjr.or.id/data/wp-content/uploads/2014/06/Position-Paper-Hukum-Internet-1-blokning-dan-Filtering-internet_Final.pdf)

to the Law then it is the law enforcement officers who are entitled to determine whether it is illegal or not. For example is the perpetrator is indicted, then it is recommended to close down the website, it should not be the responsibility of the Ministry of Communication and Informatics, it should be law enforcement agency/officer to do the task at the very least the prosecutor should do it. Or the decision is made through court's decision, we can establish another institution as mandated by the law, but it will not be the Ministry of Communication and Informatics. (Erasmus, ICJR, participant of FGD for EROTICS Indonesia Research)

## **2. National Program Controlling Internet Content Affecting Gender Identity and Sexual Orientation based Discrimination**

One of the implementations of the Law on Anti-Pornography is to establish program within the Ministry of Communications and Informatics to oversee pornographic contents, which also include the homosexual content in the internet. In 2009, Ministry of Communication and Informatics established collaboration between Civil Society Organizations, Academics and Internet Industry to launch *Program Internet Sehat dan Aman (INSAN)*/ Program of Decent and Safe Internet. Include in the program is a Trust Positive program,<sup>33</sup> utilized by ISP to regulate internet content in Indonesia especially to filter pornographic, gambling and other illegal contents upon request from the authority.

The screening of internet content is done by the Blocking Service Provider on the order of the Ministry of Government Institution through the instruction of Directorate General of Informatics Application under the coordination of the Ministry of Communications and Informatics. Ministry of Communications and Informatics then receives report on negative-content websites; the public delivers the report to the Ministry by sending copy of the report the Directorate General through email and/or web-based reporting platform. The communication/report from the

---

33 Trust Positif <http://trustpositif.kominfo.go.id/>



public can be considered as an emergency report if the report is related with the rights to privacy, child pornography, and negative impact to the people and/or other specific request. The report has to go through an assessment by mentioning the website address, the type of negative content, the type of violation and remarks; the authorized official conveys the report to the Minister and Directorate General, by attaching the list of website address and result of assessment; the Directorate General will conduct a continuous monitoring on the website

*There are 7 key actors in internet screening in Indonesia, and Nawala is the only one used by other ministry for their own purpose (Yamin, Nawala—Blocking Service Provider, FGD participant of the EROTICS Indonesia Research).*

The Blocking Service Provider should at least meet the criteria: registered as Electronic System Provider; has Indonesian' legal entity status; placed its data center in Indonesia; has transparent and accountable operational Procedure.

The Internet Service Provider shall block the websites enlisted in TRUST+Positif. The blocking can be categorized self-managed blocking or blocking using blocking service provide. Should the internet service provider fails to block the websites then a sanction against it will be imposed. The internet service provider that has blocked the websites as mandated by the relevant legislation is considered to have met the requirements.<sup>34</sup> The establishment of INSAN and Trust Positif might restrict access and management of LBTIQ content websites as a consequence of putting homosexuality the same as pornography.

---

34 Position Paper 1/2014 tentang Menolak Rencana PerMen Sensor Sapujagat 2013-2014 , Indonesian Media Defense Litigation Network (IMDLN) dan Institute for Criminal Justice Reform (ICJR), oleh Supriyadi Widodo Eddyono & Anggara, [http://icjr.or.id/data/wp-content/uploads/2014/06/Position-Paper-Hukum-Internet-1-bloking-dan-Filtering-internet\\_Final.pdf](http://icjr.or.id/data/wp-content/uploads/2014/06/Position-Paper-Hukum-Internet-1-bloking-dan-Filtering-internet_Final.pdf)

### 3. Blockade of LGBTIQ Websites by Private Sector and the State

Interpretation of homosexual as pornography in Act on Pornography causes obstruction in LGBTIQ websites. In April 2011, one young transgender activist report to IPP that she could not access link of Yogyakarta Principle Comic Book in the ILGA website, [www.ilga.org](http://www.ilga.org). When she was trying to access the link, appeared a notification read, “the sites that you are about to access is unavailable due to pornographic content”.



The website of International LGBTIQ Human Rights Commission (IGLHRC), [www.iglhrc.org](http://www.iglhrc.org) was also closed. Starting May 2011, three ISPs in Indonesia namely Telkomsel, IM2 Indosat and Lintasarta are closing down LGBTIQ websites.

In July 2013, OV websites ([www.ourvoice.org](http://www.ourvoice.org) currently changes into [www.suarakita.org](http://www.suarakita.org)) was also blocked without prior notification to OV. According to Suara Kita activists [www.ourvoice.org](http://www.ourvoice.org) had difficulties to be accessed due to blocking by certain ISPs. this blocking was done without providing transparent, clear and accountable explanations from the

ISPs to OV. If user tries to access the website through provider XL, the following message will appear on screen:

*“Respectful Costumer, complying to the state law, the website that you are trying to access is no longer accessible. We are sorry for the inconvenience. Please try again later.” Below the notification there is a sign read “ACCESS CLOSED” with larger font that is signed with the logo of Ministry of Communication and Information.*



#### **4. Cyberhomophobia toward LGBTIQ by Individual and Community Organization**

*“Homophobic bullying is a moral savagery and serious violation against human rights and community health crisis” (the UN Secretary General, Ban Ki-Moon).*<sup>35</sup>

<sup>35</sup> Secretary-General, in Message to Event on Ending Sexuality-based Violence, Bias, Calls Homophobic Bullying ‘a Moral Outrage, a Grave Violation of Human Rights’ <http://www.un.org/News/Press/docs/2011/sgsm14008.doc.htm>.

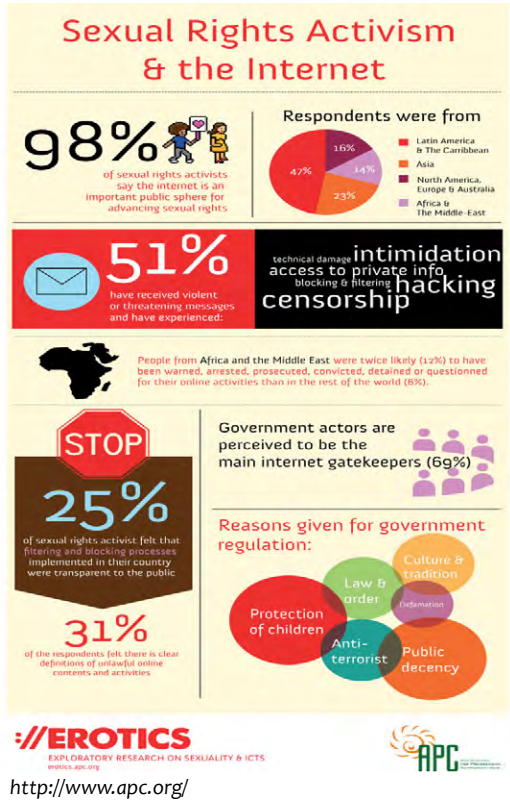
In addition to limitation on homosexual content on the internet by private sector and the state, LGBTIQ community also experience cyber-homophobia when they express their gender identity and convey their idea on sexual orientation online. Cyber-homophobia or homophobic bullying and hatred against non-heterosexual gender identity and sexual orientation on the internet are commonly happening. The targets are not always people with ‘seemingly’ different sexual orientation and gender identity, but also against heterosexual people with gender expression that look contradictory with the common public construction. Based on the data issued by the UNESCO, homophobic bullying is the second common bullying all over the world. The OV activists who often write about the issue of LGBTIQ at their own FB account receive different kinds of bullying from intimidation to death threats. The following is one of their testimonies:

*“My heart is broken from all the bullying. I am devastated when they continue to say, “Hey you faggot, you will go to hell from spreading these news.” Some of them even said, “Hey you, I will kill you if you continue talking about this!” something like that. Sometimes I think, are they serious? I began to feel afraid that one day people will stop me on the street or at some place and do harm on me. I mean, that could happen, right??!” (Supriyatna, Ourvoice)*

Supriyatna never reports such intimidation and threats to law enforcers because he does not know who to contact or where to go. He also does not know who to go to for protection against such threats. He does not know any lawyers or advocates that might want to help him. Moreover, he feels that the protection provided by the law for people like him must be very limited. Supriyatna is also worried that he might face further discrimination and intimidation or even act of violence from law enforcers. The online threats are also psychologically devastating for LGBTIQ activists and movements.

The Association for Progressive Communications (APC), which launched EROTICS (Exploratory Research on Internet and Sexuality) global survey, echoed the same situation. EROTICS also distributed the survey to network of activists and human rights organizations in Indonesia and through this survey they have discovered data in the context of sexual rights and the internet. The objective of this survey is to reveal challenges faced by activists of sexual rights in using internet at global level. Twelve respondents said that they experience intimidation when talking about the issue of LGBTIQ and people living with HIV/AIDS, religious freedom and reproductive health. The intimidation includes attack on social media or via email. The fact is highlighted by 64,70% of respondents saying that internet does not protect their privacy and safety more than actual meetings and interaction does. Only 35,29% said that internet is useful for advocacy work in the issue of sexual rights as it allows members to maintain their privacy and safety. Some of the respondents said that they feel insecure and afraid to advocate sexual rights directly at offline realms. Although the intimidation occurs on the internet, it also affects their daily life.

Cyber-homophobia has also become one of the habits at one of



the largest Internet forum in Indonesia named Kaskus<sup>36</sup>. Kaskus is an abbreviation of *Kasak-Kusuk* (gossiping). The company was founded in 1999 in the United States by two Indonesians studying in Seattle. Kaskus has more than 4.5 million registered users. Most of them came from adolescence and adults who live in Indonesia or abroad. Kaskus is visited by at least 900.000 visitors, with more than 15,000,000 page views everyday. As of July 2012, Kaskus has already had around 601.000.000 of posting.<sup>37</sup>

Members of Kaskus also known as Kaskusers invent the term “Maho” (manusia homo or homosexual person) to refer to homosexuals and they deliver sexist and degrading jokes about gays at this forum. The term



36 Kaskus <http://www.kaskus.co.id/>

37 about Kaskus <https://id.wikipedia.org/wiki/kaskus>



“maho” is further associated with anything that is considered abnormal, ugly, weird, deviant and sick. They even come up with several avatars to describe “maho” on Kaskus.

*I like to play online game, and in that place (Kaskus) I felt like I was discriminated against by the use of the word Maho and Hode, where men shouldn't use women character and vice versa. They call cross gender as Hode (in Kaskus Dictionary: Hoax Detected or female character played by male)<sup>38</sup> (Emmy, Transgender, FGD participant of EROTICS research).*

38 Kaskus Dictionary [http://support.kaskus.co.id/kamus-kaskus/kamus\\_kaskus.html](http://support.kaskus.co.id/kamus-kaskus/kamus_kaskus.html)

Some people preserve *Cyber-homophobia* through social media channels like Facebook or Twitter. One FB group blatantly identify themselves as Anti-Homosexual Community.<sup>39</sup>



Below are some of the comments users of this group:



*I hate gay people. Homosexual is the behavior of dog.*



<sup>39</sup> <https://www.facebook.com/pages/Komunitas-Anti-Homoseksual/149990501703182>



*Ibn Abbas delivered the message of Prophet Muhammad who said that, “Anyone who commit the act of the people of Prophet Luth (homosexual), then kill those who commit the act and his spouse.”*

Cyber-homophobia is also committed by individuals. One of them is Fahira Idris. Fahira Idris is a politician running for Regional Representatives Council representing Jakarta Province. She is also one of the persons participated in campaigning homophobia through her personal twitter account below:



*In his campaign since 2008, Rey who is coming from #Bandung always convinces Lesbian, Gay, and Transgender that: “we can be cured” #LGBT*

*For Lesbian, Gay, and Transgender who wish to return to normal, you can read the book entitled “Tuhan Tidak Pernah Iseng” (God Never Fools Around) by Zemarey Al-Bakhin (rey) #LGBT*

Fahira Idris is also the winner of polling entitled The Most Inspiring Twitter in 2010. She earned this award through her courage in criticizing FPI and build dialogue as well as delivering people’s critics toward FPI.<sup>40</sup> In 2005, she was also awarded The Most Favourite Inspiring Woman by

<sup>40</sup> Refer to the following website <http://www.suarapembaruan.com/home/fahira-fahmi-idris-islam-mengajarkan-damai/74>

one of the media. In January 2013, Fahira is once again selected as 1 of the 8 Inspiring and Informative Women on Twitter by Fimela.com.<sup>41</sup> Until December 2013, her twitter account has 136,055 followers.

Fahira Idris often portrays herself as moral guardian in order to win vote in General Election 2014. Her role as public figure and the awards and acknowledgement she received move her up the ladder and reward her with even bigger public attention. Hence, her statement on rehabilitation of LGBT is very influential to public opinion in Indonesia, although it is only delivered via Twitter.

### C. INVOLVEMENT OF LGBTIQ MOVEMENT IN INDONESIA IN QUEERING INTERNET GOVERNANCE AT NATIONAL AND GLOBAL LEVEL

This social movement can be regarded as collective effort to build new governance. They have concerns and gain motive and strength through dissatisfaction of contemporary life while aspiring for new scheme of life (Blumer, 1939). Taking into account the strategic role of internet in advancing Human Rights of LGBTIQ and in facing the challenge *cyber-homophobia* and blockade of LGBTIQ sites, several LGBTIQ organizations in Indonesia started to get involve in advocating queering the governance of internet both at national and international level.

**Queer** was once recognized as slang for homosexual and other “bad” things utilized to attack homosexuals. Recently, the term is used as umbrella term for both identification and traditional sexual cultural model for the study of gay and lesbian. Little is known about the fact that Queer includes not only gay and lesbian but also cross dressing, hermaphroditism, gender ambiguity and corrective gender surgery. The main projection of Queer theory is to identify participants from category of gender and sexuality, non-permanent identities—they who are not able to be categorized into certain group. This is so because identity consists of variety of components and to categorize them into in one the

---

41 Fimela.com

singular characteristics is wrong (Buttler, 2004).

Queer theory is branch of critical science that emerged in early 1990s, which includes LGBT and Feminist studies. Queer theory includes the textual and theoretical analysis of the “queerness” itself. The Queer theory was developed to include the feminist challenges on the ideas that gender is an essential part of oneself and through the gay/lesbian case studies on behavior that are constructed socially from attitude and sexual identity. These gay/lesbian studies focus on questions about natural and artificial behavior in respecting homosexual behavior. Queer theory expands its focus to also include various identity diversity and sexual activities that are often classified as normative and deviant categories.

The Queer theory does not only question and criticize citizenship. It is also intended to deconstruct the meaning of being a citizen and represent concepts as exclusive practices of definition on who is included and excluded from the category of marginal in the society (Payne and Davies 2012).

**Queering internet governance** moved from experience and awareness that internet is a subject/actor that will play an important part as political and public sphere in social transformation. Internet as a political and public sphere is influence by multi-stakeholder with diversity and various gender identity and sexual orientation hence it will make the content and policy on internet in need of a continuous advocacy process. IPP develops the concept as a way to build theory based on experiences and research result, and it is open for falsification and verification. The promotion of this theory will benefit the organization in developing strategy and advocacy to fight *cyber-homophobia*, including the closing of LGBTIQ websites.

*World Summit on Information Society* on Internet Governance stated that Internet Governance is development and application by government, private sectors, civil society, in their respective roles, principles, norms, regulations, decision making, procedures, and programs shaping the evolution and use of internet (Kurbalija, 2012). In regards to the queering of internet governance, LGBTIQ as part of the civil society has their

citizen's rights to intervene in internet governance.

The EROTICS (*Exploratory Research on Sexuality and the Internet*) research was initiated by Association for Progressive Communication in 2008 as exploratory steps to bridge the gap between measures of policy in regulating content and practices on the internet and the actual daily life practices including variety of experience and concerns toward internet users when they are practicing their sexual rights.

Started in 2012, IPP in cooperation with Association for Progressive Communication (APC) began a research and EROTICS Indonesia advocacy network. Queering internet governance on Indonesia began by responding the situation of violation of rights of freedom of information and freedom of expression on the internet for LGBTIQ in Indonesia by establishing EROTICS Indonesia network (advocacy and research network on rights to internet and sexuality) organized by IPP and APC.

The consolidation to discuss the issue of sexual rights and internet rights in Indonesia began in July 2012. The meeting discussed the discourse of right to internet, internet governance and digital privacy. Academics, activists of civil society organizations including LGBTIQ organization, Rights of Sex Workers, *Pesantren* based Feminists, Young Feminist Community, Women Living with HIV/AIDS, Anti Child and Women Trafficking, National Commission on Anti-Violence against Women and several other organizations participated in the consolidation meeting. The discourse of integrating internet rights as part of rights of women and Human Rights of LGBTIQ became a starting point of collaboration of EROTICS Indonesia network in conducting research and advocacy of sexual rights in internet governance in Indonesia.

The Queering of internet governance becomes very important, thus in August 2012, EROTICS Indonesia conducted a follow up consolidation meeting involving women's organizations and LGBTIQ organizations namely *Solidaritas Perempuan* (Solidarity for Women), IPP and Arus Pelangi to conduct meeting with organization working on the issue of

safe and responsible use of ICT namely ICT Watch.<sup>42</sup> This organization was established in 2002 and has ever since become initiator of Decent Internet in Indonesia which later become one of the members/networks of *Internet Sehat dan Aman* (INSAN)/Healthy and Safe Internet, a program initiated by Ministry of Communication and Informatics. The meeting discussed issues on internet governance in Indonesia especially regarding the closing of LGBTIQ websites in Indonesia. Through this meeting, the network gained information on the existence of an association established in 1996 to organize ISPs in Indonesia and to facilitate governance and management of internet industry by the name of *Asosiasi Penyelenggara Jasa Internet Indonesia* (APJII)/Association of Internet Service Providers Indonesia.<sup>43</sup>

Learning that APJII is able to facilitate negotiation between civil society organizations and ISP, the network initiated meeting with APJII on September 24, 2012. The meeting was attended by LGBTIQ organizations namely Arus Pelangi and IPP, ICT Watch, detik.com, Lembaga Studi dan Advokasi Masyarakat (ELSAM)/Institute on the Study and Advocacy of Community as well as other ICT activists. The meeting was located at APJII Secretariat in Cyber Building, South Jakarta. The objective of this meeting is to discuss the issue of blockade of LGBTIQ websites in Indonesia and to ask for the help of APJII to work with ISP to open the access to the websites of LGBTIQ organizations. The issue of transparency and accountability of the closing of the sites was not clearly explained in the consolidation meeting. However, one of the results is that the provider agreed to re-open IGLHRC website in November 2012. Unfortunately, the websites of ILGA remain inaccessible until today.

On November 1, 2012, the Indonesia Internet Governance Forum was declared for the first time in Indonesia history. The Internet Governance Forum is a multi-stakeholders forum to facilitate dialogue on policy and

---

42 ICT watch <http://ictwatch.com/id/>

43 <http://www.apjii.or.id/>

issue related to internet governance. The forum unites all stakeholders in the debate regardless of whether they represent government, private sector, or civil society. All of them involve in a more equal, open and inclusive process of discussion. Declaration of Internet Governance in Indonesia<sup>44</sup> was launched in the forum. The Declaration that was signed by representatives of all stakeholders clearly mentioned Internet Governance that take into account transparency, accountability and values of Democracy and Human Rights.

The network of EROTICS Indonesia in cooperation with LGBTIQ group including IPP, Ourvoice Indonesia, Arus Pelangi, National Commission on Anti Violence against Women (*Komnas Perempuan*), Solidarity for Women, Peace Women Across the Globe Indonesia and academics from Department of Sociology University of Lampung participate in Indo IGF 2012. The network is established in order to provide space to speak based on the perspective of Human Rights of LGBTIQ in relation to the closing of LGBTIQ websites. The women's groups also have a chance to voice their aspiration regarding online harassment against women.

As time goes by, more LGBTIQ sites are closed. In relation to the blockade of the website of Ourvoice in 2013, the secretary of the organization repeatedly sees the XL provider to ask for explanation. Finally, through official letter, the Customer Service of XL, PT XL Axiata provided explanation that the site was closed in compliance with the regulation of Ministry of Communication and Informatics as [www.ourvoice.org](http://www.ourvoice.org) is included in the list of *Trust Positif* and as a service providers, XL has to comply with government regulation.

Ourvoice then sent *Short Message Service (SMS)* to Office of Public Relation of Ministry of Communication and Informatics and the office replied by saying that they do not order blockade toward Ourvoice website. The logo of the Department of Communication and Information

---

44 Deklarasi Tata Kelola Internet Indonesia <http://id-igf.or.id/?p=127>

is assigned to mark blockade.<sup>45</sup>

Several months later, the activists of Ourvoice tried to advocate the issue. However, they still could not receive the answer from relevant parties and their website remains inaccessible until today. Finally, OV decided to change their name of their news portal to [www.suarakita.org](http://www.suarakita.org) starting August 2013. The change in the name is caused by their hope to make the website of the organization up and running again and because they have not yet been able to build stronger alliance to advocate the case.

At international level, IPP as facilitators of EROTICS Indonesia<sup>46</sup> was involved in Internet Governance Forum (IGF) in Bali, Indonesia, on 22 – 25 of October 2013. EROTICS Indonesia invited the Chairperson of the National Commission on Human Rights (Komnas HAM), Siti Noor Laila to deliver the speech and response on the closing down of LGBTIQ website in Indonesia. Komnas HAM is a state owned independent institution working to study, protect research, monitor, investigate, and mediate any problem related to Human Rights. The presence of Komnas HAM at the forum allowed the discussion of the Human Rights of LGBTIQ in relation to the internet governance. It has become one of the political steps in queering internet governance in Indonesia. Komnas HAM was expected to be able to facilitate discussion between civil society organization and government and private sector with regard to the closing of LGBTIQ website in Indonesia.

*Basically, internet must be managed using principle of Human Rights. However, in reality there are many cases of human rights violation in the use of Internet. For instance, criminalization of freedom of expression, victimization of victims when they express*

---

45 Refer to website of Voice of Human Rights 'Kendali Internet di Republik Hari Ini': [http://www.vhrmedia.com/new/berita\\_detail.php?id=3438](http://www.vhrmedia.com/new/berita_detail.php?id=3438)

46 EROTICS Indonesia [www.eroticsindonesia.net](http://www.eroticsindonesia.net)

*themselves and their opinion, and other violations related to rights to information. The role of Komnas HAM in this case is to conduct study and monitor existing cases while facilitating meetings between related stakeholders in internet governance in Indonesia including the government, private sector, and the community. In relation to the closing of several LGBT websites, through Asia Europe Meeting (ASEM) in Korea in 2012, we suggest the government to announce the blockade to the public if and only if the government actually wants to close down the website. Secondly, if people think that the rights have been violated they can take necessary legal action through civil law or arbitration. (Siti Noor Laila, Chairperson of Komnas HAM period 2013-2014)*

The challenge in queering internet governance in Indonesia is that there remains a lot of individuals and LGBTIQ activists who are looking at the issue as mere ICT problem. Hence, some of them suggest to simply moving to different provider and/or domain or hosting. There are not many of them who see the discourse as part of the issue of Human Rights to Internet. Lack of leadership and resources among LGBTIQ to challenge patriarchy and sexism in the area of Internet governance in Indonesia become one of the main challenge.

*“On the hand, the internet activists are not fully aware of sexual rights. On the other hand, those who are working on the issue of sexual rights are not knowledgeable on the issue of internet governance. Hence, there has to be one or two organizations working on the issue of sexuality that can also focus themselves to advocate freedom of information. People working on the issue of rights to internet usually skip the issue of sexuality. They only focus on general issues affecting wider public (Syaldi Sahude, ICT and Rights to Internet Activists, Aliansi laki-laki baru/New Men Alliance)*



# Analysis Conclusion and Recommendation

## CONCLUSION

Based on the above findings, it can be concluded that:

1. **Internet is a strategic media for promotion and enforcement of Human Rights of LGBTIQ. Therefore, it is important for the government to govern the internet based on principles of human rights which include respect toward sexual orientation and gender identity.** Internet gives the opportunity for LGBTIQ community to get to know each other at online space *without worrying about stigma and violence* they usually experience in offline realm (Friedman 2007: 791). They can liberate themselves from social, political and economic boundaries. However, Friedman also asserted that building online community will not resolve long term conflict related to accountability and representation yet is able to provide support structure that is not necessarily manifest offline (Friedman 2007: 803).

Based on the experience of IPP and Ourvoice, this safe space has been transformed into a space for them to organize themselves, raise awareness and promote education. The space has also become room for advocacy at national and international level. One of the evidence is Yogyakarta Principle Comic published by IPP that is available online and has been able to penetrate boundaries of distance and manage

to travel to international forums including 55<sup>th</sup> UN Commission on the Status of Women (CSW) in New York and being translated into different languages. News portal established by Ourvoice was also succeeded in linking the issue of Human Rights of LGBTIQ to larger human rights issues and in gaining support both from and outside of the community.

- 2. Taking into account the strategic role of the internet, protection for LGBTIQ is important to ensure the sustainability of LBGBTIQ movement on the internet. The protection will be able to manifest by integrating Human Rights of LGBTIQ and Rights to Internet at the level of Internet Governance, or queering the governance of internet.** Some of the efforts to protect human rights of internet users have been put forward by the Human Rights Council of the UN through key resolution on promotion, protection and practice of human rights on the internet. The resolution operates based on principle stated in paragraph 1 that “*human rights of individuals at their offline realms should also be protected at online spaces*”. The resolution gain full support from more than 70 member and non-member countries including China, Brazil, Nigeria, Ukraine, Tunisia, USA, England and Indonesia.

Government shall take efforts to promote and protect the gender identity and sexual orientation rights at the offline and online level by referring to the Resolution of Human Rights Council of the UN: Human Rights, Sexual Orientation and Gender Identity, that was adopted on 16 June, 2011. This resolution reaffirms Universal Declaration of Human Rights ratified by the Government of Indonesia through enactment of Act No. 39 Year 1999 on Human Rights. The resolution requested the UN High Commissioner for Human Rights to prepare a study documenting discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity. The study was published in December 2011 and presented to the Human Rights Council in March 2012 and contains a

list of strong recommendations to Member States. The report affirms that States have a duty under international law to protect the human rights of all persons, including those who are lesbian, gay, bisexual, transgender and intersex.

At the National level, in the Indonesia's 1945 Constitutions, Article 28C Paragraph 1, it clearly states that: *“Every person shall have the right to develop him/herself through the fulfillment of his/her basic needs, the right to get education and to benefit from science and technology, arts and culture for the purpose of improving the quality of his/her life and for the welfare of the human race.”*

It is also important to revisit and reinterpret the existing legislation to accelerate the provision of protection on LBT's rights. One of the reinterpretation on the existing laws is the reinterpretation of women as subject of the law in the Law Number 7 of 1984 on the ratification of Convention on the Elimination of Discrimination Against Women. Women here should not be limited to heterosexual women, but it should be expanded to Lesbian, bisexual and transgender women. This reinterpretation is in line with the transformation on the definition of women according to Komnas Perempuan, which does not limit to women from biological perspective but also from social construct. Therefore the Law Number 7 of 1984 can also be used to protect the LBT citizens in the context of discrimination on the internet.

The protection also includes the protection of LBTIQ's freedom of expression from any form of screening without proper judiciary process, because according to the legal system of Indonesia, any ministry or anyone in this case also includes the Ministry of Communication and Informatics who perform screening shall implement the act in accordance with the Law and judiciary process as stipulated by the Law. This is also in line with the provision in Article 19 paragraph 3 of the International Covenant on the Civil and Political Rights and Article 28J of the 1945 Constitutions, in which restriction shall be made and stipulated by the law. The main

issue with content restriction is the absence of further regulation in the Law. The restriction within the draft is too wide hence it will create loophole for violations of rights under the freedom of getting information access category. The restriction on content in the draft is not in line with any protection of human rights. Basically the regulation on internet censorship as stipulated in the Ministerial Regulation will not be sufficient in getting the articulation on the regulation of internet censorship. Ministerial regulation should have restrictions, based on relevant laws where the content should only contain the provisions of how to implement the laws. The content should not be deviated from the spirit of the Law.

Even though the censorship policy is a violation of rights to access and hence it is also a human rights violation, for greater national interest such as law enforcement, the right can be restricted. Since internet censorship is one of the restrictions of one's human rights, the regulation about it should also be in a form of a Law. The restriction will also ensure that there should be sufficient amount of oversight and guarantee the legality of the censorship policy.<sup>47</sup>

- 3. Establishment of discrimination based on gender identity and sexual orientation require swift response from the state and the support from the community to stop discrimination.** National laws and the bylaws criminalizing homosexual bring negative impact to the freedom LGBTIQ to express their gender identity and sexual orientation through the internet. Act on Anti-Pornography Article 4 (1a) defined homosexual as deviant sexual behavior. As a consequence, all forms of media and publication related to LGBTIQ area considering as carrying pornographic content. The criminalization among others

---

47 Position Paper 1/2014 tentang Menolak Rencana PerMen Sensor Sapujagat 2013-2014 , Indonesian Media Defense Litigation Network (IMDLN) dan Institute for Criminal Justice Reform (ICJR), oleh Supriyadi Widodo Eddyono & Anggara, [http://icjr.or.id/data/wp-content/uploads/2014/06/Position-Paper-Hukum-Internet-1-bloking-dan-Filtering-internet\\_Final.pdf](http://icjr.or.id/data/wp-content/uploads/2014/06/Position-Paper-Hukum-Internet-1-bloking-dan-Filtering-internet_Final.pdf)

is manifest in blockade of websites containing information related to Human Rights of LGBTIQ. Some of those websites are International LGBTIQ Association (ILGA), [www.ilga.org](http://www.ilga.org), International LGBTIQ Human Rights Commission (IGLHRC), [www.iglhrc.org](http://www.iglhrc.org), and portal OurVoice [www.ourvoice.org](http://www.ourvoice.org). There was no prior notification to the administrator before the access to the website was closed by the ISP. Criminalization toward homosexual has a strong potential to turn into criminalization of LGBTIQ community. According to Anupama Roy in Indian Journal of Gender Studies “Towards a Practics of Democratic Citizenship” *“structure is established as hierarchy in the context of sexuality and is legitimized by social institution such as marriage and family”* (2007: 6). When discussing about citizenship of LGBTIQ, they become invisible because there are no institution to legitimize their identity and often times they look like the “subjects of criminal law” (Roy 2007: 9)

4. **Establishment of INSAN, a network of civil society organization formed to support Program of Decent and Safe Internet launched by Ministry of Communication and Informatics has the potential to criminalize LGBTIQ.** In response to such situation, a consultative meeting of network of civil society in Indonesia was set. In the meeting, ICT Watch conveyed that INSAN does not have legal legitimization to regulate internet content. At that time the policy is still in the process of being translated into Ministerial Decree on Control of Internet Sites with Negative Content. In the process, the regulation on internet content refers to Act No.44 on Anti-Pornography that will legitimize criminalization of LGBTIQ on the internet. Similarly, Donny BU, one of the activists of ICT Watch asserted that:

*So, if we are looking at the ILGA website and the website of Ourvoice, we can see that the management of internet in Indonesia is a mess. So, when Ministry of Communication*

*ad Informatics called to close down all negative websites in preparation for Ramadan for instance, if you are not closing these websites it means to you work against the government. This will later poses you to government sanction which will lead into withdrawal of license. Who is not afraid of that?!*

*The Ministry wants us to govern the content in the truest sense. It means that they want to make this decent and safe internet program as platform to encourage as much positive content as possible. So, I can understand the essence. They want a legal umbrella to legalize this program in order to assure the growth of positive content and to suppress negative content. And this of course remains in line if it is directed toward encouraging positive content instead of blocking website. If it is for the purpose of encouraging positive content, ICT Watch will support. (Donny BU, ICT Watch)*

The role of the state, in this case Ministry of Communication and Informatics, violates Human Rights in Business Sectors quoted in *Guiding Principles on Business and Human Rights* issued by the UN Human Rights Council on June 16, 2011. The document is a global standard established to prevent and mitigate impact of business toward human rights. In the Chapter of State Duty to Protect Human Rights, it is stated that “States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.”

Referring to the same document, ISP as part of business sector should comply to principles in the Chapter Corporate Responsibility to Respect Human Rights, it is stated that, “Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights

*impacts with which they are involved.”*

The implementation of discriminatory legislation happens simultaneously with *cyberhomophobia/transphobia* that continues to happen and is getting worse in online sphere. Systematically this violation is perpetrated by groups within society and politicians. Homophobic bullying against LGBTIQ is perpetrated not only by individual user, but also worse, it is organized in a Facebook group, among others the Anti-Homosexual Community where they name and degrade homosexuality in Kaskus, as well as degrading statement coming from politician that belittle the LGBTIQ in the social media. The state and the people are not yet sensitive to protect and recuperate LGBTIQ's wound and to provide them with security and freedom from any cyber homophobia/transphobia.

The cyber-homophobia/transphobia cases shall be treated as any other crime perpetrated in a real world. The LGBTIQ should be able to use the Penal Code as legal basis to take actions against the perpetrators of cyber-homophobia and take them accountable in penal responsibility. The Penal Code Article 335 on Extortion and Threats: *“any person who unlawfully forces another by force, by any other battery or by an offensive treatment aimed either against the other person or against a third party, to do, to omit or to tolerate something shall be punished a maximum imprisonment of one year”*

The Law on Information and Electronic Transaction<sup>48</sup> Chapter VII on Prohibited Actions as stipulated in Article 2 as follows:

- (3) Any person who intentionally and does not have the right to distribute and/or transmit and/or to make the electronic document and/or information available to public that has insulting content and/or defamation nature;
- (4) Anyone who intentionally and does not have the right to distribute and/or transmit and/or make electronic information

---

<sup>48</sup> Undang-Undang Republik Indonesia No.11 Tahun 2008 tentang Informasi dan Transaksi Elektronik [http://www.kemenkumham.go.id/attachments/article/113/uu11\\_2008.pdf](http://www.kemenkumham.go.id/attachments/article/113/uu11_2008.pdf)

accessible to public the electronic document and/or information with extortion and/or threat content to others.

These legal basis can be used by the LGBTIQ to fight against cyber-homophobia/transphobia and criminally proceed the perpetrator in accordance with the Chapter XI on Penal Provision Article 45 Paragraph 1 of the same law :

Anyone to commit elements in Article 27 paragraph (1), paragraph (2) , paragraph (3) or paragraph (4) might be punished with imprisonment approximately 6 (six) years and/or fine as much as Rp. 1,000,000,000,- (One billion Rupiah)

Hence, legal protection of Human Rights of LGBTIQ must be enforced in policies in Indonesia by referring to existing regulation and Human Rights document both at national and international level.

- 5. Advocacy to Integrate Human Rights of LGBTIQ in Internet Governance has not yet received adequate support from the people and the state.** Although most LGBTIQ organizations have started to be involved in the issue of and advocacy forum on internet governance, the idea of integrating Human Rights of LGBTIQ to the internet governance is still considered new by the network of ICT advocates. On the other hand, the LGBTIQ communities are not yet aware of internet governance. The situation challenged the cause of integrating Human Rights of LGBTIQ to internet governance in Indonesia. The discourse on sexuality and rights to internet remain new in Indonesia. Moreover, there is a gap in knowledge where some of the advocates of rights to internet are not aware or knowledgeable in the issue of rights related to gender identity and sexual orientation. Hence, one of the strategies of queering the internet governance is to build network supporting to connect sexual rights and rights to internet to human rights in general. This includes ending cyber-



*homophobia* experienced by activists working for the enforcement of Human Rights of LGBTIQ in Indonesia.

The movement of LGBTIQ and rights to internet must be understood as a part of human rights and the advocates of both movements must be open to collaboration and mutual understanding on enforcing internet governance which respect human rights including rights of LGBTIQ.

- 6. UN regards to the birth of LGBT rights resolution, Internet and Human Rights, Business Sector and Human Rights, and to consider the importance of integration of the three resolutions in realizing the queering of internet governance, an advocacy to multi-stakeholders for the acceleration of Human Rights Convention based on sexual orientation, gender, internet, and business and human rights as the 4th human rights generation is needed.**

## RECOMMENDATION

Based on our research and conclusion, there are some recommendations for the accelerated fulfillment of the LGBTIQ human rights in internet governance, as follow:

### **For Ministry of Communication and Informatics Republic of Indonesia:**

- In composing internet governance policies, including the draft of Ministerial Regulation on Negative Internet Content Management, it uses and integrates the national and international human rights and law documents, as followed:
  - 1) 1945 Constitutions in Article 28C Paragraph 1 states that: *Every one shall have the right to develop him/herself through the fulfillment of his/her basic needs, the right to get education and to benefit from science, technology, arts and culture, for the purpose of improving quality of his/her life and for the welfare of the human race.*

- 2) Law Number 7 of 1984 on the ratification of the Convention on the Elimination of Discrimination Against Women.
  - 3) Law Number 12 of 2005 on the Ratification of Civil and Political Rights.
  - 4) Article 19 of the Universal Declaration of Human Rights: *Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.*
  - 5) Employ UN Human Rights Council Resolution No.A/HRC/RES/17/19 Year 2011 on Human Rights, Sexual Orientation and Gender Identity
  - 6) Resolution No. A/HRC/Res/20/8 year 2012 on Promotion, Protection and Fulfillment of Human Rights on the Internet.
  - 7) Resolution of the UN HRC Number A/HRC/RES/17/4 on Human Rights and Transnational Corporation and other business corporations, which was enacted on June 16, 2011.
- To involve more civil society, individuals and LGBTIQ human rights organizations in formulating all internet governance policies including the composition of Ministerial Regulation on Negative Internet Content Management.
  - Apply principle of transparency and accountability on issuing policy and implementing blockade.

**For Members of Legislative:**

- Conduct Judicial Review on:
  - 1) Law Number 11 of 2008 on Electronic Information and Transaction
  - 2) Law Number 44 of 2008 on Anti Pornography
- Formulate specific regulation which includes *cyber-homophobia* as a part of cyber-crime based on Article 335 of the Penal Code of Indonesia (KUHP) on Extortion and Threats or the Law on

Information Technology on the Prohibited Acts in Article 27 paragraph 3 and 4 on insult and threat on electronic media

#### **For Police of Republic of Indonesia**

- Provide legal services for LGBTIQ community in non-discriminative manner while the community reports act of *cyber-homophobia* as a part of cyber-crime acknowledged in Article 335 of the Penal Code of Indonesia (KUHP) on Extortion and Threats or the Law on Information Technology on the Prohibited Acts in Article 27 paragraph 3 and 4 on insult and threat on electronic media

#### **For National Commission on Human Rights (Komnas HAM):**

- Continue to support integration of Human Rights of LGBTIQ to internet governance
- Monitor and investigate cases of blockade of websites promoting Human Rights of LGBTIQ.
- Play its role as mediator between LGBTIQ community with other members of civil society, private sectors, Human Rights organizations, and government to accelerate integration between Human Rights of LGBTIQ and internet governance.
- Play its role in monitoring state policy related to Human Rights of LGBTIQ, internet governance and its policies, related laws such as Act on Pornography, Act on Information and Electronic Transaction, and Discriminative Bylaw such as the Bylaw of Palembang, South Sumatera Province No. 2 Year 2004 on Eradication of Prostitution based on:
  - a) 1945 Constitutions in Article 28C Paragraph 1 states that: *Every one shall have the right to develop him/herself through the fulfillment of his/her basic needs, the right to get education and to benefit from science, technology, arts and culture, for the purpose of improving quality of his/her life and for the welfare of the human race.*

- b) Law Number 7 of 1984 on the ratification of the Convention on the Elimination of Discrimination Against Women.
- c) Law Number 12 of 2005 on the Ratification of Civil and Political Rights.
- d) Article 19 of the Universal Declaration of Human Rights: *Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.*
- e) Employ UN Human Rights Council Resolution A/HRC/Res/20/8 year 2011 on Human Rights, Sexual Orientation and Gender Identity
- f) Resolution No. A/HRC/Res/20/8 year 2012 on Promotion, Protection and Fulfillment of Human Rights on the Internet.
- g) Resolution of the UN HRC Number A/HRC/RES/17/4 on Human Rights and Transnational Corporation and other business corporations, which was enacted on June 16, 2011.

**For Internet Service Provider (ISP) and *Assosiasi Penyelenggara Jasa Internet Indonesia (APJII)*/Association of Internet Service Provider Indonesia and Blocking Service Provider:**

- To do their business by taking into account Human Rights principles as mandated in the Resolution of the UNHRC Number A/HRC/RES/17/4 on Human Rights and Transnational Corporation and other Business Corporations, which was adopted in July 6, 2011

**For Researchers:**

- Develop further research related to abandonment of Human Rights of LGBTIQ in Internet Governance.

**For Individual LGBTIQ:**

- Improve knowledge and skill to protect themselves and their

community both online and offline.

**For Activists of Human Rights of LGBTIQ:**

- Improve knowledge and skill to protect themselves and their community both online and offline.
- Improve knowledge and skill in relation to advocacy of internet governance.
- Be more open to collaborate with Rights to Internet movement to accelerate integration between Human Rights of LGBTIQ and internet governance.

**For activists and network of Rights to Internet and ICT:**

- Improve knowledge and perspective on Human Rights of LGBTIQ
- Assist LGBTIQ movement to become more ICT literate
- Be more open to collaborate with Human Rights for LGBTIQ movement to accelerate integration between Human Rights of LGBTIQ and internet governance.
- Integrate Human Rights of LGBTIQ at every work of advocacy on Rights to Internet and Internet Governance

# References

- APA Revises Manual : *Being Transgender is No Longer Mental Disorder*  
<http://thinkprogress.org/lgbt/2012/12/03/1271431/apa-revises-manual-being-transgender-is-no-longer-a-mental-disorder/>
- Arquilla, J. and Ronfeldt, D. (2001) 'The advent of netwar (revisited)'. in J. Arquilla and D. Ronfeldt (eds) *Networks and netwars: the future of terror, crime, and militancy*, Santa Monica: Rand, pp. 1-25. On-line. Available HTTP: <http://www.rand.org/publications/MR/MR1382/>
- Association for Progressive Communication. <https://www.apc.org/en/about>
- Asosiasi Penyelenggara Jasa Internet Indonesia <http://www.apjii.or.id/>
- Article 19 Universal Declaration on Human Rights. <http://www.un.org/en/documents/udhr/>
- Bissu <https://id.wikipedia.org/wiki/Bissu>
- Blumer, Herbert. 1939. "Collective Behavior". in Robert E. Park, ed. *An Outline of the Principles of Sociology*. New York: Barnes and Noble.
- Bonchek, M.S. 1997 *From broadcast to netcast: the Internet and the flow of political information*, Ph.D. dissertation, Department of Political Science, Harvard University.
- Business and Human Rights <http://www.ohchr.org/EN/ISSUES/BUSINESS/Pages/BusinessIndex.aspx>
- Butler, Judith. 2004. *Undoing Gender*. New York and London: Routledge

- Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)*, United Nations, 1979. [www.un.org/womenwatch/daw/cedaw/text/econvention.htm](http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm)
- Declaration on the Elimination of Violence Against Women*. <http://www.un.org/documents/ga/res/48/a48r104.htm>
- Deklarasi Tata Kelola Internet Indonesia*. <http://id-igf.or.id/?p=127>
- Delapan (8) Perempuan Ini Paling Inspiratif, Lucu dan Informatif di Twitter!* <http://www.fimela.com/read/2013/01/25/8-perempuan-ini-paling-inspiratif-lucu-informatif-di-twitter?p=1>
- Ericson, Nelson. June 2001. "Addressing the Problem of Juvenile Bullying". *OJJDP Fact Sheet #FS-200127* (U.S. Department of Justice: Office of Juvenile Justice and Delinquency Prevention) **27**. Retrieved 2013-10-28.
- EROTICS: Sex, rights and the internet* (APC, 2001) <http://www.genderit.org/resources/erotics-sex-rights-and-internet-research-study>
- EROTICS Indonesia* [www.eroticsindonesia.net](http://www.eroticsindonesia.net)
- Exploratory, Descriptive and Causal Research Design*. [http://www.monroecollege.edu/AcademicResources/ebooks/9781111532406\\_lores\\_p01\\_ch03.pdf](http://www.monroecollege.edu/AcademicResources/ebooks/9781111532406_lores_p01_ch03.pdf)
- Fahira Fahmi Idris Islam Mengajarkan Damai* <http://www.suarapembaruan.com/home/fahira-fahmi-idris-islam-mengajarkan-damai/74>
- Friedman, E. 2007. "Lesbians in (cyber)space: the politics of the Internet in Latin American on- and off-line communities". In *Media Culture Society*.
- Kamus Besar Bahasa Kaskus* [http://support.kaskus.co.id/kamus-kaskus/kamus\\_kaskus.html](http://support.kaskus.co.id/kamus-kaskus/kamus_kaskus.html)
- Homophobic Bullying*. <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/health-education/homophobic-bullying/>

*Homoseksual Bukan Penyimpangan Seksual.* <http://nasional.kompas.com/read/2008/11/11/13081144/Homoseksual.Bukan.Penyimpangan.Seksual>.

*Hukum Online tentang Perda Kota Palembang No. 2 tahun 2004 tentang Pemberantasan Pelacuran.* <http://www.hukumonline.com/pusatdata/detail/lt5117268acbc06/node/lt4a0a533e31979/sodomi,-tindak-pidana-atau-bukan?->

*Human Rights Watch - World Report 2011 untuk Indonesia* <http://www.hrw.org/world-report-2011/indonesia-o>

*ICT Watch.* <http://ictwatch.com/id/>

*Internet Sehat dan Aman (INSAN).* <http://www.insan.or.id/>

*Institut Pelangi Perempuan (IPP).* [www.pelangiperempuan.or.id](http://www.pelangiperempuan.or.id)

*International Day Against Homophobia, Biphobia dan Transphobia (IDAHOBIT)* [https://en.wikipedia.org/wiki/International\\_Day\\_Against\\_Homophobia,\\_Biphobia\\_and\\_Transphobia](https://en.wikipedia.org/wiki/International_Day_Against_Homophobia,_Biphobia_and_Transphobia)

*Kaskus* <http://www.kaskus.co.id/>

*Kendali Internet di Republik Hari Ini.* [http://www.vhrmedia.com/new/berita\\_detail.php?id=3438](http://www.vhrmedia.com/new/berita_detail.php?id=3438)

*Komik Yogyakarta Principles* <http://www.pelangiperempuan.or.id/buku/komik-yogyakarta-principles/>

*Komunitas Anti Homoseksual* <https://www.facebook.com/pages/Komunitas-Anti-Homoseksual/149990501703182>

*Konstitusi Republik Indonesia Undang-Undang Dasar 1945 (UUD 1945), Pasal 28C ayat 1.* <http://www.dpr.go.id/id/uu-dan-ruu/uud45>

*Kipling D. Williams; Joseph P. Forgas; William Von Hippel. 2013. The Social Outcast: Ostracism, Social Exclusion, Rejection and Bullying.* Psychology Press.



Kurbalija, Jovan. 2012. *The introduction to Internet Governance*.  
DiploFoundation: Paperback

*Laporan Situasi HAM LGBTI di Indonesia Tahun 2012, Pengabaian Hak Asasi Berbasis Orientasi Seksual dan Identitas Gender, Kami Tidak Diam*.  
Forum LGBTIQ Indonesia.

<http://gaya-nusantara.blogspot.com/2013/05/laporan-situasi-ham-lgbti-di-indonesia.html>

Leizerov, S. 2000. "Privacy advocacy groups versus Intel: a case study of how social movement are tactically using the Internet to fight corporations". In *Social Science Computer Review - Special issue on survey and statistical computing in the new millennium*. Volume 18 Issue 4. California , US: Sage Publications, Inc. Thousand Oaks.

Manaf, Kamilia. 2011. *Kami Tidak Bisu*. Jakarta: Institute Pelangi Perempuan.

*Position Paper Reformasi KUHP No. #2/2007 Tindak Pidana Pornografi dan Pornoaksi dalam RUU KUHP*. Jakarta: Lembaga Studi dan Advokasi Masyarakat (ELSAM) oleh Syahrial Wiryawan Martanto & Wahyu Wagiman [http://docs.perpustakaan-elsam.or.id/ruu\\_kuhp/files/briefing/13.pdf](http://docs.perpustakaan-elsam.or.id/ruu_kuhp/files/briefing/13.pdf)

*Position Paper 1/2014 tentang Menolak Rencana PerMen Sensor Sapujagat 2013-2014* , Indonesian Media Defense Litigation Network (IMDLN) dan Institute for Criminal Justice Reform (ICJR), oleh Supriyadi Widodo Eddyono & Anggara, [http://icjr.or.id/data/wp-content/uploads/2014/06/Position-Paper-Hukum-Internet-1-bloking-dan-Filtering-internet\\_Final.pdf](http://icjr.or.id/data/wp-content/uploads/2014/06/Position-Paper-Hukum-Internet-1-bloking-dan-Filtering-internet_Final.pdf)

Payne, Robert and Crystin Davies. 2012. "Introduction to the special section: Citizenship and Queer Critique." *Sexualities: studies in culture and society*

*Queer Theory*. [https://www.princeton.edu/~achaney/tmve/wiki100k/docs/Queer\\_theory.html](https://www.princeton.edu/~achaney/tmve/wiki100k/docs/Queer_theory.html)

Roy, Anupama. 2007. "Towards a practice of democratic citizenship". In *Indian Journal of Gender Studies*.

*Sexual and Reproductive Health*. [http://www.who.int/reproductivehealth/topics/sexual\\_health/sh\\_definitions/en/](http://www.who.int/reproductivehealth/topics/sexual_health/sh_definitions/en/)

*Secretary-General, in Message to Event on Ending Sexuality-based Violence, Bias, Calls Homophobic Bullying 'a Moral Outrage, a Grave Violation of Human Rights'* <http://www.un.org/News/Press/docs/2011/sgsm14008.doc.htm>

Shields, Patricia and Rangarjan, Nandhini. 2013. *A Playbook for Research Methods: Integrating Conceptual Frameworks and Project Governance*. Stillwater, OK: New Forums Press.

*Suara Kita*. [www.suarakita.org](http://www.suarakita.org)

*Tentang Kaskus* <https://id.wikipedia.org/wiki/Kaskus>

*The Yogyakarta Principles* [www.yogyakartaprinciples.org](http://www.yogyakartaprinciples.org)

*Trust Positif* <http://trustpositif.kominfo.go.id/>

Undang-Undang Dasar 1945 (UUD 1945) Pasal 28C ayat 1. <https://www.mpr.go.id/pages/produk-mpr/uud-nri-tahun-1945/uud-nri-tahun-1945-dalam-satu-naskah>

Undang-Undang Republik Indonesia No.7 tahun 1984 tentang Ratifikasi Konvensi Penghapusan Segala Bentuk Diskriminasi terhadap Perempuan. [http://www.kemennpppa.go.id/jdih/peraturan/UU\\_1984\\_7.pdf](http://www.kemennpppa.go.id/jdih/peraturan/UU_1984_7.pdf)

Undang-Undang Republik Indonesia No.39 tahun 1999 tentang Ratifikasi Deklarasi Universal Hak Asasi Manusia (DUHAM) <http://www.komnasham.go.id/informasi/images-portfolio-6/2013-03-18-05-44-20/nasional/254-uu-no-39-tahun-1999-tentang-hak-asasi-manusia>

Undang-Undang Republik Indonesia No.12 tahun 2005 tentang Ratifikasi Konvensi Hak-Hak Sipil dan Politik. <http://www.kemendagri.go.id/produk-hukum/2005/10/28/undang-undang-no-12-tahun-2005>

Undang-Undang Republik Indonesia No.44 tahun 2008 tentang Pornografi  
<http://www.kemenag.go.id/file/dokumen/442008.pdf>

Undang-Undang Republik Indonesia No.11 Tahun 2008 tentang  
Informasi dan Transaksi Elektronik [http://www.kemenkumham.go.id/  
attachments/article/113/uu11\\_2008.pdf](http://www.kemenkumham.go.id/attachments/article/113/uu11_2008.pdf)

UN Human Rights Council, Resolution: Human Rights and Transnational  
Corporations and Other Business Enterprises, A/HRC/RES/17/4  
adopted on 6 July 2011. [http://business-humanrights.org/sites/default/  
files/media/documents/un-human-rights-council-resolution-re-human-  
rights-transnational-corps-eng-6-jul-2011.pdf](http://business-humanrights.org/sites/default/files/media/documents/un-human-rights-council-resolution-re-human-rights-transnational-corps-eng-6-jul-2011.pdf)

UN Human Rights Council, Resolution: Human Rights, Sexual Orientation  
and Gender Identity, A/HRC/RES/17/19, adopted 14 July 2011. [http://  
daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/148/76/PDF/G1114876.  
pdf?OpenElement](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/148/76/PDF/G1114876.pdf?OpenElement)

UN Human Rights Council, Resolution: The promotion, protection and  
enjoyment of human rights on the Internet, A/HRC/20/L.13, adopted on  
5 July 2012. [http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G12/147/10/  
PDF/G1214710.pdf?OpenElement](http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G12/147/10/PDF/G1214710.pdf?OpenElement)

# About the Authors

## KAMILIA MANAF



Kamilia Manaf since the age of 23 years active in feminist and young lesbians movement in Indonesia. She is currently completing a study of Communication science. One of the founders of Institut Pelangi Perempuan (IPP) Women's Rainbow Institute, an organization of young women lesbian, bisexual and transgender of Indonesia. She worked as a radio journalist in the Women's Journal Foundation. In 2008 she was elected as one of board members of the International LGBTI Association (ILGA) Asia for the representation of LGBT youth in Asia. The biggest LGBT community website of Asia, Fridae.com, chose Kamilia Manaf as one of the "LGBT People to Watch 2010". Currently active as coordinator of EROTICS Indonesia (Network, Riset and Advocacy on Sexuality and the Internet in Indonesia). She occasionally provide training in digital security and self defense boxing for women human rights defenders, LGBT and other marginalized groups in Indonesia.

Her poems and short stories published on Women's Journal and Pelangi Perempuan, a collection of poems and short stories of young lesbians Indonesia. One of the Yogyakarta Principles comic conceptor (LGBT human rights education media for young people) which published by IPP and has been translated into English, Dutch and French by international network of LGBT. Her book titled "Kami Tidak Bisu" or "We Are Not Silent" about the journey of young lesbian community in Indonesia published in 2011.

## DEWI NOVA WAHYUNI



Since 15 years ago, Dewi Nova worked with women's rights organizations in Indonesia, Thailand and the Philippines. Humanitarian work began as a counselor for survivor of violence and in several conflict areas such as Poso, Aceh and East Timor with National Commission on Women's Rights in Indonesia. Furthermore Dewi worked on anti human trafficking movement with Global Alliance Against Trafficking in Women (GAATW) in Bangkok. In 2013 Dewi worked with the Asian Women in Co-operative Development Forum (AWCF) in Phillipines and continue Forum of Cooperative Movement Indonesia until present. One of the founders of collective community Perempuan Berbagi association of volunteers to support survivor of violence in South Tangerang City, Banten, and one of board members of Institut Pelangi Perempuan (IPP) young lesbian bisexual and transgender organization and in Setara Institute who worked for freedom of religion / belief.

Dewi wrote "Berdiri di Atas Kaki Sendiri" (Stand on Its Feet) struggle of survivor Ahmadiyah (Pustaka Setara, 2012), and "Akses Perempuan pada Keadilan" (Women's Access to Justice)" experience of women in Sumatra and Java for justice (Hivos and the European Union, 2011). Poetry book "Burung-Burung Bersayap Air" published by Jaringan Kebudayaan Rakyat on 2010, collection of short stories "Perempuan Kopi" (Coffee Woman) published by Air Publisher on 2012 and "Menulis Tubuh" or "Writing the Body" on the collection of short stories of Women Journal on 2013.

## IKRAM BAADILA



Ikram Baadilla was born in Ambon on June 2, 1961 completed bachelor degree in the Department of Sociology, Faculty of Social and Political Sciences, Gadjah Mada University, and holds a Master of Community Nutrition and Family Resources science, Faculty of Agriculture, Bogor Agricultural University, Indonesia. Since 1989 until now as a lecturer in the Department of Sociology, Faculty of Social and Political Sciences, University of Lampung, Indonesia. Active as a social activist in the Women's and Children's Advocacy Institute Bandar Lampung (1998-2000), DAMAR Women's Advocacy Institute Bandar Lampung (2000-2004), Organizational Development and Research Institute (2004-present). One of the founders of the Association DAMAR Bandar Lampung and board members of Institut Pelangi Perempuan (IPP) in Jakarta.

Paper with title "Rape" (a theoretical and empirical studies) published by ELSAPA 1998. He wrote books titled "Corruption's Danger to Society" published by the Anti-Corruption Committee (Komite Anti Korupsi/KoAK) 2002 and "Dark Room of Local Governmental Budget" published on 2004 by Koak. Active as facilitator to promote Gender Mainstreaming on Education System (2003-present), as speakers, facilitators to promote Human Rights, including the rights of LGBTIQ, and also as a researcher on social conflict as well as social conflict resolution. Active in regional and national meetings, also various network for strengthening civil society.



**Institut Pelangi Perempuan** is a non-governmental organization as the center of activities and information for young Lesbian, Bisexual Women and Transgender in Indonesia. IPP uses the strategy called “Edufuntainment” (Education, Fun and Entertainment) as the tool for promoting and struggling for LGBTIQ rights. Creating youth friendly, safe and informal space such as dance, boxing and badminton club for young LBT women are some of the activities which were provided by IPP for organizing and mobilizing the community. IPP was founded on 2006 by the collaboration of feminists, artists, human rights activists as well as young LBT women.

Website : [www.pelangiperempuan.or.id](http://www.pelangiperempuan.or.id)

Email : [pelangiperempuan@gmail.com](mailto:pelangiperempuan@gmail.com)









gmbvhdkaaxnvk4vphs2lpg  
9mvgmc4mchfno3jdhqk  
3jfv0lnv1jvbvhjlvmpzair3m  
86gmbvhdkaaxnvk4vphs2l  
jmxur9minstitutvgmc4m  
no3jdhvnrwupelangill4kvkr  
anxm7perempuanthj3mbr  
osk4mdhs0mr95jgkgkjc  
ahf47vmogh9jmshjgkw48  
nl2mhmxbvmpwque03mv  
nxjkekf83jg7j8dnvmsng2  
-mxnla0khvnmhsaksowc  
cunekv8nd42mkvphll4kyk