

A Statement from Indonesian LGBTI Groups (Lesbian, Gay, Transgender and Intersexual)

In response to the impending draft Pornography Bill by both the legislative and executive branches of the government we, a coalition of LGBTI groups and organizations, want to express our opinion to

Reject the passage of the Pornography Bill !

Our opinion is based on the following reasons:

1. That a new bill on pornography is not necessary because there are already laws and regulations in Indonesia that deals with morality issues, such as:
 - a. The Constitution [UUD 1945]
 - b. The Indonesian Penal Code [KUHP]
 - c. The Law on Human Rights [UU No. 39 /1999]
 - d. The Law on the Protection of the Child
 - e. The Law on Broadcasting
 - f. The law on Press Freedom
 - g. Other laws.

2. That in the Explanation of Paragraph 4 (1) A of the pertinent Pornography Bill it is stated that:

“Deviant sexual intercourse it is understood as, among others, intercourse or other forms of sexual activity with corpses or animals, oral sex, anal sex, lesbian and homosexual sex.”

We can conclude from the above explanation that the government is incapable to understand the difference between sexual orientation and forms of sexual acts. The government also does not take its obligation seriously to protect the rights of its citizens. As a direct result of these two facts, the government has branded sexual orientation, i.e. lesbians and homosexuals, as a deviant sexual intercourse or sexual act. This equation has put LGBTI [lesbian, gay, bisexual, transgender and intersexual] people in severe discredit and reinforced the stigma they already get from the society. Implicitly, LGBTI people are also criminalized by this paragraph.

What we want to know from the government is whether it is not ashamed to the outside world. Apparently, the government is only incapable to draft a rational and just bill, but it is also not able to solve the fundamental problem of this country, i.e. the structural poverty. Or, is the government only out to show the world its stupidity of only able to interfere in private matters of citizens, instead of tackling public issues such as job creation, affordable health care, education, corruption fight and mitigation of man-made and natural disasters? Or, is the

government seriously intending to betray the tenets of the state adagium “Bhineka Tunggal Ika” [Unity in Diversity] by not recognizing the diversity of sexual orientation?

Aside from the above questions, we also consider the Pornography Bill as:

- Limiting the freedom of expression of citizens;
- Too much interference in private matters, especially concerning moral issues;
- By allowing private citizens to take part in curbing pornography the government is willingly going to exacerbate conflicts, both vertical and horizontal;
- Multiple interpretable; the bill can be used to criminalize certain groups or individuals who oppose the government.

We want to emphasize that the Pornography Bill is about to violate citizens’ rights. We should remember that the government already ratified ICCPR [International Covenant on Civil and Political Rights] (Act No. 12/2005) and ICESCR [International Covenant on Economic, Social and Cultural Rights] (Act No. 11/2005). With this the government is obliged to live up to international laws.

Again, in the name of the unity of the nation and human race, we demand from the People’s Representative Assembly and the President of the republic not to pass and execute the Pornography Bill.

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Arus Pelangi
and other LGBTI groups/organizations