

# CAVEAT

INDONESIA'S MONTHLY HUMAN RIGHTS ANALYSIS

VOLUME 11/II, APRIL 2010

## MAIN REPORT |

### Order in the 'Public Order Agency'

On April 14 the North Jakarta suburb of Koja erupted as a clash between residents and Public Order Officers (*Satuan Polisi Pamong Praja* or *Satpol PP*) turned deadly. Hundreds of people were injured and three Satpol PP officers were killed. The riot came about as a result of rumors that a state owned company planned to exhume the tomb of Mbah Priuk, a celebrated Islamic figure. The state claims that they had only planned to renovate the sacred site.

Former Vice President of Indonesia, Jusuf Kalla called the clashes the biggest riots the city had seen since the infamous riots of May 1998. Due to violent nature of the Satpol PP's retaliation against demonstrators at the site of Mbah Priuk's tomb, the call to disband the Satpol PP is growing stronger.

## ADDITIONAL FEATURE |

### Pressures from Conservative Islam Groups Halts Prominent LGBT Conference

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## OPINION |

### Indonesia's Pluralism in Peril

Indonesia has long been proud of being the world's third-largest democracy and having the world's largest Muslim population. It is a country in which democracy, pluralism and Islam coexist; a place where tolerance and diversity are widely celebrated.

At least, this is how Indonesia is portrayed in international forums. Yet recent events show a different reality, revealing that diversity is such a threat to one group that it feels it must be met with violence?

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CAVEAT:

Let her or him be aware

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## THE EDITOR'S CUT

For Indonesians, the month of April is usually dedicated to celebrating the women's movement. On April 21<sup>st</sup> we celebrate the birthday of Raden Ajeng Kartini, often called Indonesia's first feminist, Kartini made a huge impact on women's emancipation in Indonesia. Unfortunately this April a number human rights violations have marred the celebrations. The constitutional court has rejected a review on the 'Blasphemy Law', a prominent LGBT conference was cancelled amid community uproar and a large scale riot in the North Jakarta area of Koja on April 14 dominated the news cycle.

In this month's CAVEAT Main Report, we have analysed the Koja riot. Hundreds of victims were injured and three public order officers were killed, former Indonesian vice president, Jusuf Kalla, called the clashes the biggest riots since May 1998. The Koja riot – which was triggered by reports that the government intended to destroy the tomb of Mbah Priuk, a celebrated Islamic figure buried on state owned land - has increased the calls urging government to disband the infamous Public Order Agency (Satpol PP). From a human rights perspective the violence committed by the Satpol PP meets the criteria of 'cruel treatment' as pointed out by Article 16 of the Convention against Torture or Cruel, Inhuman, or Degrading Treatment or Punishment (CAT). Thus, any Satpol PP officers who committed such acts should be punished according to the law. There is a debate, however, whether disbanding the Satpol PP is the best solution. The government is adamant that the force is still needed to enforce regional regulations.

In the Additional Feature, we present you an article outlining the reasons behind the cancellation of the International Lesbian, Gay, Bisexual, Transgender and Intersex Association (ILGA) conference which was scheduled to be held in Surabaya at the end of March. The cancellation shows a lack of

respect for LGBT rights in Indonesia as well as the constitutional 'right to assemble'.

Our Rights in Asia section updates you on human rights conditions in three other Asian countries; Thailand, India, and the Philippines. The hot political situation in Bangkok has resulted in the Thai government blocking access to certain websites, which reflects anti democracy policy in Thailand.

We will also update you with LBH Masyarakat's current activities. In our Reportage section' we tell you of our efforts to obtain legal birth certificates for hundreds of Jembatan Besi residents. Together with our paralegals and volunteers, we conducted several activities to ensure this community is able to formally apply for birth certificates without the use of a 'scalper' which had made the process too expensive for most residents in the past.

Finally, Ricky Gunawan's article 'Indonesia's Pluralism in Peril' explores the lack of tolerance of pluralism in Indonesia following the constitutional review of the 'Blasphemy Law' as well as the cancellation of the ILGA conference. Ricky Gunawan argues that despite Indonesia's pride for its multicultural heritage the fact is that 'diversity is negated and human rights are diluted by fundamentalists.'

As always, we hope you find this month's CAVEAT leads you to a better understanding on state of law and human rights in Indonesia.

Thank you for your ongoing support!

**The Editor**

## MAIN REPORT

# Order in the ‘Public Order Agency’

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## INTRODUCTION

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On April 14 the North Jakarta suburb of Koja erupted as a clash between residents and Public Order Officers (*Satuan Polisi Pamong Praja* or *Satpol PP*) turned deadly. Hundreds of people were injured and three Satpol PP officers were killed. The riot came about as a result of rumors that a state owned company planned to exhume the tomb of Mbah Priuk, a celebrated Islamic figure. The state claims that they had only planned to renovate the sacred site.

Former Vice President of Indonesia, Jusuf Kalla called the clashes the biggest riots the city had seen since the infamous riots of May 1998. Due to violent nature of the Satpol PP’s retaliation against demonstrators at the site of Mbah Priuk’s tomb, the call to disband the Satpol PP is growing stronger.

In Javanese, the term ‘*pamong*’ in the title ‘*Satuan Polisi Pamong Praja*’ means ‘to nurture’. The term ‘*pamong*’ itself has been used since Indonesian Independence, replacing the term ‘*pangreh*’ which was seen to reflect the power of the colonial government. The name change was to emphasize the institutions function as a public service and no longer merely as a tool of the rulers. However recent cases have shown that Satpol PP regularly employs violent tactics in exercising its duty. The actions of the Satpol PP have sparked criticism that instead being a servant for community, the officers are seen instead as a ‘public enemy’, especially by street children, paddlers, and any other marginalized people.

The Koja riot is not the only example of violence committed by Satpol PP. During 2003 - 2009, *Imparsial* noted that the Satpol PP was involved in at least 49 violence cases. Mass media reported that when

exercising its authorities and duties, Satpol PP officers often beat and kick people who allegedly violate regional regulations. In some cases, their use of force causes death of civilians and unnecessary destruction to the community. For example, in 2007 Irfan Maulana, a 3-in-1 jockey, was arrested and tortured to death by Jakarta Satpol PP officers. Satpol PP told Irfan’s family that their son died due to medical reasons, yet his family decided to file a complaint to police as there was strong evidence that their son was tortured.

The constant abusive behavior of the Satpol PP has resulted in the establishment of the NGO organized ‘Committee for The Disbandment of the Satpol PP’ (*Komite Pembubaran Satpol PP*) to urge government to disband the force. The committee plans to file judicial review on Law No. 32/2004 regarding Regional Government which is the legal basis of the existence of Satpol PP.

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## SATPOL PP BY-LAWS

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The existence of Satpol PP in Indonesia is legitimized by Law No. 32/2004 - Regional Government. Enshrined in article 148 paragraph (1) of the law, it states that Satpol PP is established to help the Regional Head in enforcing the Regional Rules and also to maintain public order and harmony. More detailed regulations regarding the Satpol PP can be found in the Government Rules No. 6/2010, article 6; that Satpol PP has five authorities in exercising their main duties to enforce Regional Regulations and maintain public order and harmony. Included in its’ five authorities is the authority to conduct *non justisia* ordering against anyone who breaches Regional Regulations and/or Head of Regional Regulations as mentioned in article 6 (a).

Besides the Law on Regional Government and Government Regulation No. 6/2010,

another legal instrument which regulates the Satpol PP in a national scope is Minister for Interior Rule No. 26/2005 regarding Operational Guidelines for Satpol PP. As it can be seen from its' title, the Minister of Interior Rule contains operational guidelines for Satpol PP in six areas: operational guidelines in maintaining public order and harmony, guidelines in tackling demonstrations and riots, guidelines in guarding state officers or very important persons, guidelines in guarding important places, and guidelines in solving cases on the violations of public harmony, public order, and regional regulations.

In all of the laws and regulations related to the Satpol PP and its authorities, there are no provisions allowing Satpol PP to use violence in exercising its duties. On the contrary, article 8 (a) of Government Regulation No. 6/2010 states that in exercising its duties, Satpol PP officers are obliged to respect not only the law but also uphold human rights. This provision is restated and emphasized in the Operational Guidelines for Satpol PP enacted by Minister of Interior Regulation No. 26/2005.

Of two authorities mandated to Satpol PP, the authority to maintain public order and harmony is the most problematic. The same authority is also mandated to Indonesian National Police (Polri). This authority can be seen as 'problematic' for terminology 'public order' and 'public harmony' are somewhat vague and thus open to multi interpretation. According to article 1 point (10), 'public order and public harmony' are defined as 'a dynamic condition which enables central government, regional government, and community to conduct activities in peace, in order, and well organized'. However this definition itself is also vague and thus it is left to the institutions themselves to identify the proper meaning.

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#### **EXCESSIVE USE OF FORCE BY SATPOL PP**

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According to renowned political philosopher, John Locke, the purpose of the unification of a group of people into an organization called the 'state' is to protect

their life, liberty, and property or, in short, their natural rights. The status of the State as in institution tasked with protecting the rights of those people makes the rights violations committed by State not merely a crime but more severe, a human rights violation. This is the reason why protecting, respecting, and fulfilling human rights becomes the State's obligations.

As a part of regional government, Satpol PP is a representation of the State. Thus any rights violations committed by the Satpol PP must be identified as human rights violations. Additionally the excessive use of force by Satpol PP also breaches the right of a person not to receive cruel, inhuman, or degrading treatment. This right is guaranteed by international human rights instruments such as Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), and Convention against Torture, Cruel, Inhuman, or Degrading Treatment or Punishment (CAT). Indonesia itself has declared its' commitment to against cruel, inhuman or degrading treatment by ratifying ICCPR through Law No. 12 /2005 and CAT through Law No. 5/1998.

It is important to highlight that the excessive use of force by the Satpol PP does not constitute torture but falls under the category of 'cruel treatment' as pointed out by Article 16 of CAT. Such practices are often mistaken as torture; however there are a number differences between torture and cruel, inhuman, or degrading treatment or punishment. As explained by UN Special Rapporteur on torture and international law expert, Manfred Nowak, for an act to be classified as torture there are conditions that need to be met. They are the involvement of public officials, infliction of severe physical or mental pain or suffering, conducted in intention, and committed for a specific purposes such as extracting information or confession. In addition, detention and similar direct control is also a precondition for the qualification of torture. For this reason, it's not exactly right to classify excessive use of force by Satpol PP (and any other law enforcement officers) as torture.

Article 21 of Government Regulation No. 6/2010 states that ‘Satpol PP officers are obliged to attend education and training on Satpol PP’s technical and functional [uses]’. However it has been shown that education and training for Satpol PP officers are improper and emphasize solely the physical aspect of the job. Governor of DKI Jakarta, Fauzi Bowo, in his statement to mass media admitted that this was a problem. He also stated that the officers were not properly equipped with ‘soft skill’ knowledge such as training on communication methods or human rights education. It is believed that the lack of education and training for Satpol PP officers is one of reasons why the Satpol PP are more likely to prioritize using violence over other less violent methods in exercising their duties and authorities.

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#### DISBAND OR REVITALIZE?

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The calls to disband Satpol PP are not a new issue in Indonesia. In its report in May 2009, for example, *Imparsial* delivered a recommendation to disband the Satpol PP. The recommendation is based on three arguments. First, the militarism characteristics of Satpol PP will be impossible to bring under control. On this note *Imparsial* highlights the unnecessary weapons given to Satpol PP, including firearms. The second argument delivered is the overlap between Satpol PP’s functions and authorities and those of the Polri’s could cause friction. *Imparsial* argues that Polri is the only institution given a mandate by 1945 Constitution to conduct security functions. Therefore instead of preserving the Satpol PP’s existence it would be much better to empower the Polri. *Imparsial’s* last argument is that there is too much overlap in regards to authority to enforce law between Satpol PP, Polri and specialized institutions such as Civil Servant Investigators (*Penyidik Pegawai Negeri Sipil* or PPNS).

On the other hand, there are groups who believe that disbanding the Satpol PP is not the right solution. These groups believe that the Satpol PP is still needed by regional

governments to enforce Regional Regulations. Arguments are that the Satpol PP itself is not the problem rather the ambiguous authorities mandated to the institution. These groups –mostly government officers- argue that the solution is not to disband Satpol PP but to revitalize the institution. If the root of the problem is the excessive authorities mandated to Satpol PP and the lack of education and training for Satpol PP officers then the solution is to reduce its authorities and revitalize the recruitment mechanisms and education for the officers.

It has to be said that the abusive acts committed by Satpol PP is not a strong enough reason for the current government to disband the institution. Satpol PP is not the only institution in Indonesia that repeatedly uses violence in exercising its duties. It’s a well known fact that police officers in Indonesia often commit torture in order to extract confession or information from the accused, but no one has urged government to disband Polri for this reason alone. There has got to be an institution whose main function is policing. Despite the fact that police officers often engage in torture and it is a very serious problem, disbanding the Polri would not be an immediate solution. For this reason, many parties including NGOs and government urge Polri to reform itself and conduct training on human rights and policing.

The same principal must be used in deciding which option is best for Satpol PP. If the problem is solely the abusive acts committed by Satpol PP then it’s not a wise option to disband it. It will be more relevant if the tenet to disband Satpol PP is based on the reason that Indonesia no longer needs it or that there are severe problems of authorities overlapping between Satpol PP, Polri, and PPNS. If we are to disband Satpol PP, it has to be done for sake of efficiency and effectiveness.

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## ADDITIONAL FEATURE

## Pressures from Conservative Islam Groups Halts Prominent LGBT Conference

The conference, organized by the Asia chapter of the International Lesbian, Gay, Bisexual, Trans and Intersex Organization (ILGA) was to be held in the East Java city of Surabaya from March the 26<sup>th</sup> was officially cancelled due to an error with the event permit. However organizers cite the regional and national outcry of powerful Islamic organizations and the lack of support by local police as the 'real' reason for the cancellation. Ironically titled 'LGBT Asia Moving Forward', the conference goers were effectively chased from Surabaya by members of hardliner Islamic organizations despite Indonesia's clear provision of a 'right to assembly'.

A date mix-up had resulted in the wrong date being approved for the conference, after which organizers arranged for the permit to be changed back to the correct date. However, by this time news of the conference had already broken to local media organizations incensing national conservative Islamic groups.

According to their official website 'ILGA is the only worldwide federation campaigning for lesbian, gay, bisexual, trans and intersex (LGBTI) rights and was established in 1978. The aim of ILGA is to work for the equality of LGBTI people and their liberation from all forms of discrimination. It seeks to achieve this aim through the worldwide cooperation and mutual support of its members.'

The conference, which has previously been held in Thailand, India and the Philippines,

had no idea that the organizers would face such stiff opposition in Surabaya, Indonesia's second largest city. Surabaya has previously been host to International Day Against Homophobia and Transphobia events as well as the Q(ueer) Film Festival, a LGBT themed festival that held screenings in throughout the city with no incident. The conference was expected to be attended by over 150 people from 100 organizations around Asia. In the lead up to the event Indonesia was praised for its accepting nature despite its majority Muslim population.

Hardliner Islamic Groups such as Indonesian Council of Ulemas (MUI), Islamic Defender Front (FPI), Hizb ut-Tahrir Indonesia (HTI) fanned the homophobic fires by encouraging followers to stake out the hotels that delegates were staying at. 50

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– 60 people answered the call and gathered outside Surabaya's Oval Hotel. The conference was initially to be held at the Mercure Hotel but many delegates had already made the move to the Oval after a demonstrator's targeted the Mercure earlier in the week and thus management declined to house the delegates any longer. This prompted

organizers to 'officially' cancel the conference. Delegates still arrived to take part in unofficial 'meeting of activists'.

The news that the official conference had been cancelled did little to quell the demonstrator's ire. They were aware that

informal meetings were still held by a steadfast group of brave individuals. Guests were warned by hotel staff to return to their rooms after several demonstrators entered the lobby to demand an audience with the head event coordinator, Mr. King Ooey. As well as being advised against leaving their rooms the participants were told that there was a chance that demonstrators may come back, armed. Representatives from the hardliner Islamic Groups demanded that the conference participants should leave the country as soon as possible.

Filipino transgender activist Sass describes the evacuation,

*“They had already identified several safe houses and small hotels in Surabaya to which we would be housed until the time of our flights out of Surabaya; and we have to go out in small numbers. When I entered my room, it was the time I palpably felt my fear. I left the door open as I tried to reach my bag. I was so afraid that when I went inside, someone would just be there and try to hurt me. The hate of the fundamentalists were just too much: before I only encountered these kind of people in the news but having experienced them in real life was another level of a disheartening experience.”*

Shaken participants began to leave Surabaya as conflicting reports reached them as to whether local police would be willing or able to prevent protestors from entering the hotel and participants rooms. Local media reported that by 10 pm at least half of the conference participants had fled the hotel. Conference goers were described as deeply saddened to have to change their plans due to hateful tactics of intimidation and fear-mongering but needed to protect their own personal safety.

This event was no doubt a blow to Indonesia’s international human rights reputation. It was the disgusting behavior of the few that impacted the entire group. An Indonesian delegate, Tony\* said that Indonesians were usually an accepting people and he felt embarrassed of the behavior his peers witnessed at the hands of his countrymen. However despite the social and religious aspects of the case, if we are to

approach the incident purely from a law perspective we can see that Indonesia’s ‘Right to Assemble’ has been breached. Chapter X, article 28 of the Indonesian constitution allows for the right of assembly, association and expression of opinion. The chapter also proclaims that Indonesian children have the right to grow up free of discrimination and violence and that all people are to respect one another’s rights. This is not what happened in Surabaya.

\*Not his real name.

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## OPINION

# Indonesia's Pluralism in Peril

By: Ricky Gunawan\*

Jakarta, Indonesia — Indonesia has long been proud of being the world's third-largest democracy and having the world's largest Muslim population. It is a country in which democracy, pluralism and Islam coexist; a place where tolerance and diversity are widely celebrated.

At least, this is how Indonesia is portrayed in international forums. Yet recent events show a different reality, revealing that diversity is such a threat to one group that it feels it must be met with violence.

At the moment, various human rights groups in Indonesia are filing a constitutional review to the Indonesian Constitutional Court requesting to annul Law No. 1 of 1965 regarding the Prevention of Religious Abuse and Blasphemy, which allows the state to prosecute people for committing acts deemed to damage religion.

During a break at a hearing on March 24, a team of lawyers representing human rights organizations were attacked by a gang wearing the clothing and insignia of the Islamic Defenders Front (FPI). The lawyers were harassed and verbally abused by their attackers, who called them "Satan." Luckily, court security guards managed to protect the lawyers and avoid serious injury.

This attack was a violation of human and civil rights, and a vivid statement that differences are not respected by a fundamentalist majority. It was also an attack on the dignity of the Constitutional Court, given that the court itself is a place where legal issues are debated and where freedom of opinion, thought and religion –

the substance of the contested law – are all guaranteed by the Indonesian Constitution. Sadly, a similar unpleasant incident took place a few days later in Surabaya, East Java, where the Asian regional conference of the International Lesbian, Gay, Bisexual, Transgender and Intersex Association (ILGA) was scheduled to be held from March 26 to 28. Reportedly, the Surabaya police decided not to provide a permit for the conference due to strong protests from the local branch of the Indonesian Council of Ulema (MUI), a body of Islamic clerics.

According to the Jakarta Globe, Abdusshomad Buchori, chairman of the East Java chapter of the MUI, said the conference was an attempt "to ruin the people and the young generation."

The East Java Islamic Mass Organization Forum (FOIJ) surrounded the hotel in which the participants were staying and demanded that they all check out by noon on Saturday, March 27. Worse, to ensure that they did so, representatives from the FOIJ raided the participants' rooms one by one. Foreign participants were given a bit more tolerance – required to leave on Sunday at the latest.

Prohibiting such a conference is a violation of the rights to assembly and to freedom of expression as enshrined in the Indonesian Constitution, as well as the International Covenant on Civil and Political Rights, which Indonesia ratified in 2005.

Arguments based on majority morality should not be allowed to proscribe the rights of minority groups. In the context of a

*This attack was a violation of human and civil rights, and a vivid statement that differences are not respected by a fundamentalist majority. It was also an attack on the dignity of the Constitutional Court, given that the court itself is a place where legal issues are debated and where freedom of opinion, thought and religion – the substance of the contested law – are all guaranteed by the Indonesian Constitution.*

regional conference, such prohibitions will only damage Indonesia's image as a democratic country in the international community, given that it has failed to allow a peaceful conference to take place. The conference's objective was to unite Asia's LGBT communities and organizations and draft an action plan by which they could cooperate to protect their rights.

In Indonesia, as elsewhere, LGBT communities face profound stigmatization and discrimination, and have subsisted in a milieu of marginalization, coercion and violence. These horrendous circumstances only amplify their vulnerability to HIV/AIDS, a vulnerability rooted in the social, cultural and legal state of affairs they are subjected to. The situation is amplified by society's lack of understanding of HIV, bigotry, social fears and moral resentment.

These two incidents reveal that pluralism in Indonesia is at risk, while diversity is negated and human rights are diluted by fundamentalists. In an environment in which pluralism and human rights are upheld, there is no place for any single group to force its truths or values upon others.

The government should take immediate and appropriate action to ensure that those who are responsible for these two incidents are held to account. Failure to do so would only add to the long list of examples of state impotency in the face of Muslim hardliners.

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*(Ricky Gunawan holds a law degree from the University of Indonesia. He is program director of the Community Legal Aid Institute, or LBH Masyarakat, based in Jakarta. The institute provides pro bono legal aid and human rights education for disadvantaged and marginalized people.)*

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## RIGHTS IN ASIA

*Information contained in this column is provided by the Asia Human Rights Commission (AHRC).*

### **THAILAND: Censorship and policing public morality in a state of emergency**

36 websites have been blocked under the state of emergency that has been declared in Thailand in response to continued protests in Bangkok. Most of these websites are linked to the anti-government movement and some are independent news and commentary websites.

Item 9(2) of the declaration of the state of emergency, that supposedly authorizes the shutdown of the websites, is a typically nebulous provision that permits the Thai authorities to take any steps they like against any persons or associations on any pretext associated with the declaration of emergency. They are using it to control the Internet, which is a part of the public domain that they usually have great difficulty in keeping in check. The blocking of these websites is merely one highly visible manifestation of a much more sinister program that comes with the state of emergency in Thailand. A reading of the order for their shutdown reveals deeply anti-democratic and anti-human rights aspects of the government programme that require closer public scrutiny and much more open debate.

### **INDIA: Confessions and blaming will not save 30,000 children destined to die this year**

Madhya Pradesh state Minister of Public Health and Family Welfare said in the state legislative assembly on 8 March that 30,000 children under the age of five die of malnutrition every year in the state. This belated attempt to accept the fact, but to consciously deny responsibility is also a way to put the blame upon the mothers for their children's poor health and eventual death. Early marriage or mothers not providing breast-feeding are listed among the causes of children's malnutrition.

The problems underlying child nutrition are so numerous and complex that the government's response should not limit its scope to any single aspect of the issue. Most of the children whose right of food is violated belong to landless families, who are deprived of any regular source of income. In many cases, parents work as migrant workers and earn extremely low wages insufficient to feed the family. Therefore, the government must take broader measures to introduce land reforms in Madhya Pradesh and promote developmental projects favouring local employment opportunities notably through investment in local agricultural infrastructures. Feudalism, a wealth source for most politicians in the state must end.

### **PHILIPPINES: 28 families are exposed to life insecurity after their houses and farms are illegally demolished by the Sheriff in Mindanao**

In the early morning of February 18, 2010, Sheriff Alejo Clerigo, accompanied by members of the Police Provincial Mobile Group and a demolition team, or approximately one hundred persons, commanded the demolition of the houses and properties of 137 villagers (28 families) living in Sankan village of Bukidnon, Mindanao. The villagers had been occupying that land for more than 50 years. The sheriff ignored a court decision that suspended the demolition of the area. He also did not inform the villagers of the demolition.

All victims are remaining in the area and have built shanties within their demolished properties, but they have not received any relief. They are suffering from bad living conditions and, as they lost their only source of income, have to struggle for their daily life. Children are especially vulnerable to unhygienic environment and food insecurity. The villagers filed several complaints, hoping for the restoration of their rights. According to the statistics of the Task Force Detainees of the Philippines, five cases of illegal demolition for a total of 12,264 victims were reported in 2009.

## REPORTAGE

### A Long and Winding Road to Obtain Birth Certificate

A birth certificate is an important piece of documentation, but for some Indonesians registering for a birth certificate is no easy feat. The actual cost of registering a birth and obtaining a certificate is IDR 10,000 but in many cases residents will feel the need to use 'scalpers' who will charge a much larger fee. If they cannot afford this fee they will simply go without. An example of this can be found in Jembatan Besi, West Jakarta where LBH Masyarakat found that almost 200 people did not possess a legal birth certificate.

According to parents this is because the process of obtaining a birth certificate can cost upwards of IDR 400,000. The parents use a scalper as they are not confident and trusting enough in the system to do it themselves. In order to register for birth certificate residents must pay a visit to the Department of Demography, which is very far from the Jembatan Besi community so using a help of the scalper is the easiest and simplest way for those that can afford the cost. Not having a birth certificate can severely impact a child's life. A birth certificate is needed to register for elementary school and thus imperative to a child's education. Later on, a birth certificate is needed to acquire a resident identity card (KTP), which is needed to apply for jobs, open a bank account or attain driver's license and is used as resident's primary form of identification.

According to Nur Sri Anah and Misri, two paralegals from Jembatan Besi who also work as teachers at Lestari Mandiri Toddler Education (*Pendidikan Anak Usia Dini Lestari Mandiri*), many of their students were unable continue their education at Elementary School because they did not possess a valid birth certificate. Starting February 2010, LBH Masyarakat has been providing legal assistance to more than 200 urban people in West Jakarta to attain a legal birth certificate. The legal assistance began with submitting an audience request

to stakeholders, such as Department of Demography and Indonesian Child Protection Commission. After being given the go ahead from both of these organizations, together with the paralegals of Jembatan Besi and LBH Masyarakat volunteers, the community was educated in the ways in which to formally apply for a legal birth certificate.

The final count showed there are more than 200 people, both adults and children, who are now in the process of obtaining birth certificate. After the requirements have been checked, residents will only have to pay the IDR 10,000 administration fee for their application to be submitted and filed in the residence demography system. The large number of applicants stretched the abilities of the administration staff so some of the community members and paralegals filed the applications from their community themselves. It takes two weeks to finish the filing process. Hopefully this program will allow more children to complete a higher level of education.

By April 2010, they should be able to get their birth certificate. In the case of the students from Toddler Education they will hopefully be able to continue their study in Elementary School. However, there are still a large number of people that do not possess a legal birth certificate therefore LBH Masyarakat will continue to conduct legal counselling regarding birth certificate applications in the future.

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