

8th session of the Forum on Minority Issues

Indonesia National Commission on Violence against Women on Item IV

Thank you, Mr President. In the Indonesian context on legal framework on criminal justice system I would like to address several conditions:

Number one, state has provided legal frame work and discriminative policies which directly and indirectly criminalise Indonesian citizens based on their religion and beliefs. For example, it is mentioned in law number 1 year of 1965 on prevention of religious abuse and defamation and the other regulations. Those regulations imply that the state only recognise six regions and imposes particular interpretation related with religions are allowed or not in Indonesia. Those have affected minority and other religious groups, they are discriminated because their belief is not acknowledged. An unfair trial and unaccountable judicial process has strengthened (...) against a minority groups. For example, the attack of (...) in Indonesia so allow commitment of law enforcement officials towards them. In most cases, police commit omission correspond the case very slow while the perpetrators are having (...) also religious minority are revictimized or even criminalised.

Women and children also suffer from the freedom of religion and belief not only during the attack but also after the felons occurred, they are force to move from their hometown, become a single parent, suffer from hunger and become more vulnerable to the other form of gender based violence. Criminal justice (...) has also applied to women from sexual minority. In addressing cases related to sexual minority including LGBT women, law enforces are discriminative based on their sexual identity or gender identity. Indonesia actually doesn't have specific law to protect sexual minority.

Indonesian criminal justice system does not work effectively since it has preserved culture of impunity for intolerance. Moreover, more often, the lack of protection victim witness, companion and chance to conduct an unfair trial. In judicial process, threat of victim including rehabilitation, restitution and compensation are still abandon. We expect that the recommendations will be applicable to encourage them to take effective and appropriate measures to fulfil the obligation and responsibility to end the criminalisation towards minority groups by revoking all the discriminatory regulations, including national law, regional district by law and still correlated with half of the business of intolerance aspects. In order to fulfil the obligation, the mechanism and monitoring system for enforcer officer in implementing non-discrimination principles.

Thank you.