

Written statement submitted by the International NGO Forum on Indonesia Development (INFID),
a non-Governmental organization on special consultative status

Item 6:

Racism, Racial Discrimination, Xenophobia and All Forms of Discrimination

Indonesia had ratified the International Convention on the eradication of all forms of racial discrimination (CERD) in 1965 by UU No 29/ 1999. Similarly, for that interest, Indonesia is also bounded in the Durban Declaration, *World Conference Against Racism* in 2001. Yet in reality there are much regulatory legislation contradicting the convention and in fact the country systematically carries out and lets the discrimination process to constantly exist.

The discriminative legislation for the traditional society caused the incapability to fulfill the traditional society rights to access and manage the natural resources, rights to follow their own belief, rights to obtain clear information on a development project specifically the one developed in their area, the rights to maintain their identity as traditional society such as the rights for traditional government and the rights to hold a traditional court, and the rights to refuse the development projects in their traditional area.

For the Chinese people, they are still bounded nowadays by some very discriminative regulatory legislation, such as: difference treatment in the civil registration influenced by the citizenship status; the regulation is still based on the colonial regulation (Staadblad 1849, 1917, 1920 and 1933). In reality, apart from creating separation within the society, it also creates different treatment given to the Chinese ethnicity by the government officials than the way other society groups are treated, specifically concerning the expenses. Up to the present, the Chinese are still required to include the administration with the Evidence of Indonesian Citizenship certificate/Surat Bukti Kewarganegaraan Republik Indonesia (SBKRI) although the regulation has officially been abolished. The disorder of the Citizenship legislation system has placed the Chinese as second class citizen compared to the rest of the citizen. The fact that the legislation produced during the colonialism era is still being valid proved that the government does not seriously administer the discrimination issue and tends to be too lenient on the issue.

The former political inmates/detainees of 1965 until today are still experiencing stigmatization. Their space of activity is limited in obtaining suitable job, access to education and other social cultural lives. Up till this moment at least there are still more than twenty regulatory legislations having discriminative nature to the former political inmates/detainees of 1965.

As for the sexual minority community--such as the gays, lesbians, and transvestites--the discriminative treatment to their sexual choice resulting in the discrimination to obtain access to get employed. The community "has to" work in the 'informal' sectors such as in the entertainment sector. The society stigmatization to the community keeps going on pinning them down as "abnormal group." The religion, family and mass media take part in strengthening the stigma to the group. The stigmatization creates further result to the limitation of the space of activity in expressing themselves. It also makes them become very closed off to the world outside their community. They are being drowned in a pretentious life they have to lead during their daily life which in the end will affect their mental health. They become a group that is very vulnerable to abusive acts done by groups in the society who think of themselves as "normal" and also by the government officials themselves.

As for the migrant labors, the requirement for special passport and separate door in the departure abroad for the labors as well as on the arrival home in Indonesia makes the labors vulnerable to

exploitation and improper treatment from the government officials. The amount of exploitation cases and even the death of the migrant labors seem to cause a change in the attitude of the Indonesian government. Such things are kept being ignored as if being preserved for particular interests of the government officials.

In the case of the freedom to have a religion and a belief, the country only acknowledges five religions: Islam, Protestant, Catholics, Hindu, Buddha, as the official religions in Indonesia. This acknowledgement makes the civil and administrative rights of communities that are professing other religions or beliefs apart from the five religions acknowledged by the country, are not fulfilled; for example the religions of Confucius, Baha'i, Sikh, Kaharingan, Permalim and other local religions. The acknowledgment also limits the community groups apart from the five official religions in obtaining public services such as birth registration, marriage registration, adoption and education.

In particular, the international terrorism campaigned by the United States of America and some other countries creates stigmatization to certain Islamic community in Indonesia and to the Indonesian citizen in the international social interaction. Therefore we urge the international community to stop the stigmatization and place the Indonesians totally as the equal citizen of the world without any discrimination.

Based on those facts, we request 62nd Commission Human Rights Meeting and members of communities to urge the Government of Indonesia in:

1. Abolishing any legislation and regulating legitimating discriminative acts toward the minority groups (ethnics, religions and beliefs, women, indigenous people, sex orientation etc.)
2. Recognizing and respecting the existence and variety of the minority groups (ethnics, religions and beliefs, women, indigenous people, sex orientation etc.)
3. Protecting the existence and variety of the minority groups (ethnics, religions and beliefs, women, indigenous people, sex orientation etc.) through indiscriminative law and policy products.
4. Providing understanding to the government officials relating to the public services for those groups.
5. Systematically executing the action program of the *World Conference Against Racism (WCAR)* Declaration of year 2001.

Written by Gandi and HRWG