**Joint Civil Society Written Submission to the UN Independent Expert on SOGI for Thematic Report on Gender, Sexual Orientation and Gender Identity**

**By**

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**Introduction**

Asia Pacific Transgender Network (APTN) is making this submission, in collaboration with SEED Malaysia, and Jaringan Transgender Indonesia, Indonesia, in response to the UN IE SOGI's recently launched call for inputs for the upcoming thematic report on gender theory. Through this submission, we aim to highlight the legal, policy and programmatic frameworks in Indonesian and Malaysian contexts that perpetuate a cisnormative and essentialist understanding of gender identities. More specifically, our submission aims to respond to questions no. 5 and 7 by providing a situational analysis of relevant trends in the Indonesian and Malaysian contexts. The submission is divided into three main sections. The **first** section provides an overview of social, cultural and political contexts of Indonesia and Malaysia, the **second** section focuses on the legislative, policy and programmatic frameworks and survey of religious, traditions or family values in the two countries that promote and/or validate hetero-cis-normativity[[1]](#footnote-0), and the **third and final** section outlines key recommendations to address these issues in the country contexts of Malaysia and Indonesia.

Our submission builds on the findings of APTN's recently implemented research on the so-called conversion therapy practices experienced by trans and gender diverse people in Indonesia and Malaysia.[[2]](#footnote-1)

**Section 1: Country Contexts**

**Malaysia** is a nation of approximately 32.7 million people,[[3]](#footnote-2) with the latest census indicating that Islam is the most widely professed religion at 61.3% of the population, followed by Buddhism (19.8%), Christianity (9.2%), and Hinduism (6.3%).[[4]](#footnote-3) Malaysian society is characterised by its moderate to high religiosity, with a 2018 report on religious commitment stating that 77% of the Malaysian respondents viewed religion as 'very important'.[[5]](#footnote-4) Malaysia being a majority Muslim country, legislation and policymaking is highly influenced by Islam.[[6]](#footnote-5) While Malaysia has a commonwealth legal system, a sharia legal system co-exists simultaneously and is applicable to the Muslim citizens of the country.

Over time, community attitudes towards transgender people have undergone a cultural shift – from transgender people being more accepted to in relatively recent times being treated more punitively and discriminatively.[[7]](#footnote-6) A transgender woman interviewed for a 2017 study by global health doctor Dr Sima Barmania and her co-author, Dr Syed AlJunid, a Professor of Health Economics, illustrated this, describing how Malay society accepted transgender people as those who did makeup, hair, and decorations for weddings as ‘an old part of our culture’ and that only in recent times this had become a taboo.[[8]](#footnote-7) Barmania and AlJunid elaborated further, stating that in mainstream Malaysian society transgender people were predominantly associated with criminal activities and sex work.[[9]](#footnote-8) The authors further state:

*[R]ecently widespread conservative Islam both socially and legally has resulted in a culture of ‘moral policing’ citing the example of a transgender woman who was assaulted by Islamic enforcement officers, sent to hospital due to her injuries and the staff told to write down the name of any transgender people who visited her*.[[10]](#footnote-9)

Muslim transgender people in **Malaysia** are subject to arrest, fines, and judicial corporal punishment under a number of state sharia provisions. For example, as the law treats trans men as women, they may be charged with *musahaqah* (sexual activity between women), attracting fines of up to RM 5,000 (USD$1,200), imprisonment of not more than three years, or judicial corporal punishment of up to six strokes of a cane or a combination of the three punishments.[[11]](#footnote-10) Transgender women are subject to arrest and/or fines under state sharia laws that criminalises ‘a man (who wears) a woman’s attire or poses as a woman for immoral purposes’.[[12]](#footnote-11)

On the 25th of February, JAIS (Jabatan Agama Islam Selangor - Selangor Religious Agency) launched a state-wide search for transgender cosmetic entrepreneur - Nur Sajat. JAIS sent out 122 personnel and enforcement officers to arrest her for failing to attend a Shariah high court proceeding with regards to a case three years ago. She had been accused of insulting the religion of Islam and this was allegedly connected to a religious event that she organised in 2018 where she appeared in a ‘Baju Kurung’.[[13]](#footnote-12),[[14]](#footnote-13) Underlying the state persecution against Nur Sajat is the criminalisation and non-recognition of trans, intersex and non-binary persons, raising the questions on freedom of religion in Malaysia for Muslim trans, intersex and non-binary persons.

Generally, political leaders are not outwardly supportive of LGBTQI people – and a number of prominent leaders have made statements that fuel violence against and arrests of LGBTQI people. For example, in July 2020, the Minister in charge of religious affairs stated that he had given Jawi, the Federal Territories Islamic Religious Department, ‘full licence to carry out its enforcement actions’ against transgender people, and that these would include arrests and religious education so that they would ‘return to the right path’.[[15]](#footnote-14)

There have been a number of documented murders of trans people in Malaysia, although this number is likely to be underreported as media outlets often report identities of victims based on the sex assigned at birth. At least four trans women were reported to have been murdered between November 2018 and October 2019.[[16]](#footnote-15) In December 2018, a trans woman was beaten to death due to a dispute over a stolen mobile phone.[[17]](#footnote-16) Earlier, in October 2013, a transgender woman was found face down in her home having been strangled with a belt.[[18]](#footnote-17)

Malaysian trans people also face other forms of violence, including structural violence, whether from police, sharia or religious department authorities, or other actors. This includes physical and sexual assault during arrest or while in custody,[[19]](#footnote-18) parading trans people before press,[[20]](#footnote-19) humiliating them, confiscating false eyelashes and bras as evidence of cross-dressing for sharia investigations,[[21]](#footnote-20) stopping trans people at unauthorised roadblocks,[[22]](#footnote-21) questioning them with sexual undertones,[[23]](#footnote-22) and extorting money from them to avoid arrest.[[24]](#footnote-23) LGBTQI students also face bullying and harassment, in some cases resulting in death.[[25]](#footnote-24)

**Indonesia** is an archipelago country with the largest Muslim population in the world. It would be an understatement to say that the social, political and cultural realms of Indonesia are highly influenced and characterised by religion.

In the recent decades, Indonesia has witnessed a rise of conservatism and the rights of religious minorities like Christian and Shi'ites have been under attack by both state and non-state actors. An extreme example is a bomb blast in a Buddhist temple during a service, in retaliation for Buddhist violence against Myanmar’s Rohingya Muslims happened in 2013. Fear of losing votes and to appease the Muslim majority votes, the government, led by President Joko who is currently on his second term, continues to deny the rise of fundamentalism and its impact of country's legislative and policy frameworks. Further, despite having a huge body of evidence of transphobic and homophobic hate crimes and instances of violence against LGBT persons, no concrete measures have been taken by the government to provide protection to its LGBT citizens. The same sentiment was shared by the Indonesia vice president, the conservative cleric Ma'ruf Amin, who supports Sharia law and believes that homosexuality should be criminalised.

**Section 2. Legislations, Policies, and Programmes Promoting Hetero-cis-normativity**

The transphobia and heter-cis-normativity that prevails at the societal levels in Indonesia and Malaysia are further validated and perpetuated by discriminatory legislative, policy and programmatic measures.

**Malaysia** is a predominantly common law country while sharia (spelled Syariah in Malaysia) law exists as a separate, but co-existing, legal system.

At the federal level, the Ministry of Islamic Development (known by its Malay acronym JAKIM) issued two guidance documents specifically addressing discussions around diverse gender identities, including its 2013 Manual on Trans Women and Islam,[[26]](#footnote-25) and its 2011 Manual on HIV/AIDS and Islam.[[27]](#footnote-26) These manuals refer to the national fatwa that declares gender affirmation surgery as *haram*, or forbidden. Arabic words such as *mukhannas* (effeminate men) are used to refer to trans women, stating: “Male *mukhannas* are described as those who have soft and seductive voices, like women.”[[28]](#footnote-27) The manual is also rife with numerous *hadith*, setting the tone for the manual and to use religious arguments to endorse and support the programmatic interventions proposed by the manual to cure transgender persons. One such hadith describes the case of a male person ‘resembling a woman’ being brought by a disciple before the Prophet, with a request than the transgender person be exiled to a different district, or murdered. The hadith describes the Prophet’s response: “Verily, I am prohibited from killing people who pray.”[[29]](#footnote-28) Quoted later in the manual is a *hadith* from Riwayat al-Bukhari, where the Prophet surmises: “There is no disease that Allah has created without having also created its cure.”[[30]](#footnote-29)

The Manual recommends that the ‘family institution’ should control the behaviour of children that tend towards softness, and that educational institutions identify and monitor students that have ‘soft personalities’.[[31]](#footnote-30) The manual further dubs these students as ‘softies’,[[32]](#footnote-31) and uses stigmatising language to describe children and youth with diverse gender identities.

Government-linked universities have also condoned JAKIM's programmes to cure gender diverse children and youth. Universiti Teknologi Mara (UiTM) Sabah, for example, requested that students ‘provide information about other students who were “gender confused”, effectively beginning a witch hunt for gender non-conforming students’ and sitgmaising them further in educational settings.[[33]](#footnote-32)

In 2003, the Ministry of Education issued a circular letter to Directors of Education for each state, which to our knowledge has not been rescinded or updated. Through the letter, the Ministry condones corporal punishment, such as caning, as an intervention to 'desclipline' effiminate men/*pondan*.[[34]](#footnote-33) The circular recommends that students found to have committed these severe offences be caned on the clothed buttocks using a light cane with a maximum of 3 strokes of the cane.[[35]](#footnote-34) These are punishments to trans children, and are imposed with the concept of ‘teaching’ in mind, and in particular teaching that being an effeminate male is wrong and that it can be ceased or corrected with punishments.

The Ministry of Health in 2017 released the Guideline on the Management of Problems related to Gender and Health in Health Clinics[[36]](#footnote-35) which medicalises trans people and their identities as occurring due to gender dysphoria, and describes that teens with ‘gender issues’ in particular may have ‘symptoms’ such as having conflicts with their families, having been raped, or exhibiting aggressive behaviour.[[37]](#footnote-36) The report recommends that teens with ‘gender issues’ be subject to physical examinations, including examination of genitalia, recording of sexual history, and investigatory tests which may include chromosomal abnormality tests and MRIs to observe the condition of the pituitary gland.[[38]](#footnote-37) The guideline also recommends that teens that are ‘struggling with gender issues could benefit from the services of school counsellors, mental health specialists, and/or religious leaders’.[[39]](#footnote-38) This report is endorsed in its opening pages by Director-General of the Ministry of Health, Dr Noor Hisham Abdullah, who states that the Guideline is the Ministry of Health’s ‘early step towards helping health professionals to identify and manage problems of gender confusion at all age levels’.[[40]](#footnote-39) The report clearly identifies non-cis gender identities as a ‘gender confusion’ problem requiring corrections through medical interventions and intrusive treatments and check-ups by healthcare professionals.

Although **Indonesia** does not have a law that criminalises gender and sexual diverise identities and relations, there is a growing prejudice against the LGBT populations in the countries. Derogatory and stigmatising remarks against the LGBT persons are made by political leaders and groups like Aliansi Cinta Keluarga (AILA) routinely, inciting violence and curative measures to address the "social evils".[[41]](#footnote-40) Conservative actors in the legislative corridors have been pushing for legislative instruments that called for intrusive measures by family members to report their sexual and gender "deviant" children.

One such effort was the draft bill for Family Resilience (or in Indonesia is widely known as RUU Ketahanan Keluarga). The draft bill stipulated that any family member who exhibits deviant behavior could be reported to their local community leader and then placed in the rehabilitation centers to "cure" their “social sickness”. The bill was rejected in late 2020 by the Indonesian parliament through voting.[[42]](#footnote-41)

The decentralisation gives autonomy to each province to have its own legislation/regulations. Provincial autonomy and overall looseness of legal interpretation of the local laws and regulations led to incidents where the statements of the government officials were used as the justification to persecute people with diverse gender identities and sexual orientations. Further, increased conservative and restrictive legislations and local regulations are being established to criminalise gender and sexual diversities in the guise of prohibiting fornication and adultery (as same-sex relationship and gender diversities are not acknowledged; therefore any form of sex outside cis-heterosexual marriage is considered adultery). Fornication has also been included in other national and provincial laws including the national anti-pornography law and the Information and Electronic Transaction law.[[43]](#footnote-42) Due to the stigmatisation of sexual and gender diverse persons, these two laws are frequently used to persecute LGBT individuals. Similarly, provincial level policies such as the local ordinance on eradication of immoral behaviour no. 13/2002 in West Sumatra, city ordinance on eradication of prostitution no. 24/2004 in Palembang, South Sumatera, District Ordinance on Social Order no. 10/2007 in Banjar, South Kalimantan, city ordinance on the development of a value system in social life based on the teachings of Islam and local social norms in (no. 12/2009) in Tasikmalaya, West Java province, and city ordinance in Padang on the prevention, eradication, and prosecution of social ills (no. 09/2010)[[44]](#footnote-43) are being frequently used to detain and prosecute trans persons, especially trasngender women. Another example is a local regulation on Peace and Law in Padang that specifically mentions that “every person is prohibited from acting as a waria (transgender) who carries out activities to disturb public order and peace”,[[45]](#footnote-44) without clearly providing the definitions of disturbing public order. Similar local regulations are being introduced in Depok and Kalimantan provinces.[[46]](#footnote-45)

Further, reinforcement for social stigmatisation and criminalisation of diverse gender identities comes from religious authorities such as the Majelis Ulama Indonesia (MUI) that issued a fatwa in 1997 declaring transgender women haram and suggested that community members and the state make efforts to "put them back" to the right path so they could become men. In 2014, MUI issued another fatwa that declared same-sex relations as sodomy. Such reinforcements and endorsements from prominent religious authorities have paved way for the government and local authorities to introduction "social rehabilitation"[[47]](#footnote-46) programmes, which is formally being implemented under the Ministry of Social Affairs, Directorate of Social Rehabilitation for the Social Problems and Victim of Human Trafficking. Under this programme, the Ministry through its civil service police could conduct social raid (in Indonesian it commonly called “razia”) to arrest transgender women. Upon the arrest, the captured transgender women are given food, necessary access to healthcare, daily necessities, psychosocial guidance, mental, spiritual, and Information and Education Communication with the aim for financial independence and to prevent transgender women to have the "immoral way of lifestyle" and to "return to the right path." Examples of similar raids have been reported in Padang where the city administrative conducted an anti-LGBT raid and those who were arrested from such raids needed to undergo the *ruqyah* or Islamic exorcism or the state-run “social rehabilitation” programmes. The similar phenomenon could also be seen in the event of a raid in the Aceh province where several transgender women were arrested in their private property and their hair was shaved. The hair shaving phenomenon for transgender women also happened in Jambi.[[48]](#footnote-47)

**Conclusion & Recommendations**

Transgender rights and discrimination against transgender people are growing legal and public policy issues in Indonesia and Malaysia. Non-cis gender identities are met with hostility in both countries, in part, because it poses a challenge to the essentialist layview that gender is determined at birth. Further, the stigma against non-cis gender identities is fuelled and amplified by religious authorities, conservative political leaders, and other conservative social actors who continue to ignore and invisibalise the local cultural and historical traditions around diverse gender identities and promote the discourse that non-hetero, non-cis persons are inspired from Western-ideals and hence posing a danger to and corrupting the local social, cultural and religious morals and values. Continued social stigmatisation of non-hetero, non-cis indentities has contributed to the enactment of laws, policies and programmes that criminalise these identities and endorse state-sponsored sexual orientation and gender identity and expression change efforts with an aim to "cure" people with diverse SOGIE, as described in earlier sections. Further, the stigmatisation has also led to increased instances of violent attacks by both state and non-state actors, and harassment, threatening and arbitrary arrests by local law enforcement authorities.

In order to address these issues in Indonesia and Malaysia and to protect the fundamental human rights of LGBT populations in these two countries, there is an urgent need to:

1. Facilitate the legal recognition for trans and gender diverse people in respectful and a non-pathological way.
2. Repeal and/or amend laws that reinforce SOGIE change efforts and conversion therapy towards trans and gender diverse persons and perpetuates transphobia and stigmatisation of diverse sexual orientations and gender identities and epxressions (SOGIE).
3. Expand protections by amending anti-discrimination legislations to include persons with diverse SOGIE.
4. Implement mass public awareness campaigns, that build on the historical and indigenous cultural inclusion of people with diverse SOGIE, to dispel any misconceptions around diverse SOGIE and to address the prevailing social and cultural stigma around non-hetero, non-cis identities.
5. Introduce measures to address and eliminate transphobic and homophobic statements and reportage in the media.
6. Increase access to regularly updated, evidence-based and scientifically accurate sex, gender, and comprehensive sexuality education that also speaks about the experiences of trans and gender diverse people.
7. Introduce anti-discrimination and anit-bullying measures in educational settings, and facilitate the formation of safe places and sensitisation of faculty within education institutions to encourage trans and gender diverse children to continue education in a safe and respectful environment.
8. Promote programmes/features/series on the harmful effects of conversion therapy practices on the lives of trans and gender diverse people to increase awareness about the extent of the issue among parents and the society at large.

1. I.e. it is “normal” to be both heterosexual and cisgender and it is not normal (and therefore acceptable to be prejudiced toward) nonheterosexual and noncisgender individuals and criminalise non-hetero-cis sexual and gender identities. [↑](#footnote-ref-0)
2. Please see a summary of our research findings in these country snapshots for Indonesia: <https://weareaptn.org/wp-content/uploads/2021/03/Conversion-Therapy-2020-Indonesia_28Dec.pdf>; and Malaysia: https://weareaptn.org/wp-content/uploads/2021/03/Conversion-Therapy-2020-Malaysia\_29Dec.pdf [↑](#footnote-ref-1)
3. Department of Statistics, ‘Demographic Statistics, Malaysia, First Quarter 2020’ (12 May 2020) <https://www.dosm.gov.my/v1/index.php?r=column/cthemeByCat&cat=430&bul\_id=aFYzVjJ3anNyQytHZGxzcUZxTG9Ydz09&menu\_id=L0pheU43NWJwRWVSZklWdzQ4TlhUUT09> accessed 17 September 2020 [↑](#footnote-ref-2)
4. Department of Statistics, ‘Population Distribution and Basic Demographic Characteristic Report 2010’ (29 July 2011) <https://www.dosm.gov.my/v1/index.php?r=column/cthemeByCat&cat=117&bul\_id=MDMxdHZjWTk1SjFzTzNkRXYzcVZjdz09&menu\_id=L0pheU43NWJwRWVSZklWdzQ4TlhUUT09> accessed 17 September 2020 [↑](#footnote-ref-3)
5. Riaz Hassan, Inside Muslim Minds (Melbourne University Press 2008) 49-54, 286-287 [↑](#footnote-ref-4)
6. Timothy P Daniels, *Living Sharia: Law and Practice in Malaysia* (University of Washington Press 2017) 51 [↑](#footnote-ref-5)
7. Sima Barmania and Syed Mohamed Aljunid, ‘Transgender Women in Malaysia, in the Context of HIV and Islam: a Qualitative Study of Stakeholders’ Perceptions’ (2017) 17 BMC International Health and Human Rights 30 [↑](#footnote-ref-6)
8. Ibid. [↑](#footnote-ref-7)
9. Sima Barmania and Syed Mohamed Aljunid, ‘Transgender Women in Malaysia, in the Context of HIV and Islam: a Qualitative Study of Stakeholders’ Perceptions’ (2017) 17 BMC International Health and Human Rights 30, 4 [↑](#footnote-ref-8)
10. Ibid. [↑](#footnote-ref-9)
11. *Enakmen Kesalahan Jenayah Syariah (Takzir) (Terengganu) 2001* (Syariah Criminal Offences Enactment (Terengganu)), s30 <<http://www2.esyariah.gov.my/esyariah/mal/portalv1/enakmen/State_Enact_Ori.nsf/100ae747c72508e748256faa00188094/089a6047d6694e25482570dd000ce51d?OpenDocument>> accessed 29 September 2020 [↑](#footnote-ref-10)
12. Ibid. [↑](#footnote-ref-11)
13. https://www.therakyatpost.com/2021/03/01/sajat-vs-jais-heres-a-tldr-of-the-drama-surrounding-the-arrest/ [↑](#footnote-ref-12)
14. Baju Kurung is a traditional dress worn by Muslim Malays women in Malaysia. [↑](#footnote-ref-13)
15. International Commission of Jurists, ‘Malaysia: Minister’s Order to take action against the Transgender Community must be Revoked’ *ICJ* (15 July 2020) <<https://www.icj.org/malaysia-ministers-order-to-take-action-against-the-transgender-community-must-be-revoked/>> accessed 5 October 2020 [↑](#footnote-ref-14)
16. Justice for Sisters, ‘Govt Must Curb Increasing Violence Against Transgenders’ *Malaysiakini* (20 November 2019) <<https://www.malaysiakini.com/news/500516>> accessed 5 October 2020 [↑](#footnote-ref-15)
17. The Star, ‘Four Charged with Murder of Transgender Woman’ (24 December 2018) <<https://www.thestartv.com/v/four-charged-with-murder-of-transgender-woman>> accessed 5 October 2020 [↑](#footnote-ref-16)
18. Justice for Sisters, ‘Reported Murders of Transgender Persons in Malaysia’ (19 November 2014) <<https://justiceforsisters.wordpress.com/2014/11/19/reported-murders-of-transgender-persons-in-malaysia/>> accessed 5 October 2020 [↑](#footnote-ref-17)
19. Justice for Sisters, ‘Reported Murders of Transgender Persons in Malaysia’ (19 November 2014) <<https://justiceforsisters.wordpress.com/2014/11/19/reported-murders-of-transgender-persons-in-malaysia/>> accessed 5 October 2020 [↑](#footnote-ref-18)
20. Human Rights Watch, ‘I’m Scared to be a Woman: Human Rights Abuses against Transgender People in Malaysia’ (24 September 2014) <<https://www.hrw.org/report/2014/09/24/im-scared-be-woman/human-rights-abuses-against-transgender-people-malaysia>> accessed 5 October 2020 [↑](#footnote-ref-19)
21. Kryss, *On the Record: Violence Against Lesbians, Bisexual Women and Transgender Persons in Malaysia* (New York 2014) 16 <<https://outrightinternational.org/sites/default/files/MalaysiaCC_0.pdf>> accessed 5 October 2020 [↑](#footnote-ref-20)
22. Ibid [↑](#footnote-ref-21)
23. Ibid [↑](#footnote-ref-22)
24. Human Rights Watch (note 17); Kryss (note 19) [↑](#footnote-ref-23)
25. Women’s Aid Organisation, *The Status of Women’s Human Rights: 24 Years of CEDAW in Malaysia* (2019) <<https://wao.org.my/wp-content/uploads/2019/01/The-Status-of-Womens-Human-Rights-24-Years-of-CEDAW-in-Malaysia.pdf>> accessed 5 October 2020, 234 [↑](#footnote-ref-24)
26. Jabatan Kemajuan Islam Malaysia (Department of Islamic Development Malaysia), *Manual Islam & Mak Nyah (Manual on Islam and Transgender Women* (2013) <http://www.islam.gov.my/images/ePenerbitan/Manual\_Islam\_dan\_Mak\_Nyah-2.pdf> accessed 29 September 2020 [↑](#footnote-ref-25)
27. https://www.moh.gov.my/moh/images/gallery/Report/NSP\_AIDS\_2011\_2015.pdf [↑](#footnote-ref-26)
28. JAKIM (*Jabatan Kemajuan Islam Malaysia* – Department of Islamic Development Malaysia), *Manual Islam & Mak Nyah* (Manual on Islam and Transgender Women) (2013) <http://www.islam.gov.my/images/ePenerbitan/Manual\_Islam\_dan\_Mak\_Nyah-2.pdf> accessed 24 August 2020, 7 [↑](#footnote-ref-27)
29. Ibid. [↑](#footnote-ref-28)
30. Ibid. [↑](#footnote-ref-29)
31. Ibid. [↑](#footnote-ref-30)
32. Ibid. [↑](#footnote-ref-31)
33. Women’s Aid Organisation, ‘CEDAW and Malaysia: Malaysian Non-Governmental Organisations’ Alternative Report’ (2012) 228 <<https://wao.org.my/wp-content/uploads/2018/08/Malaysian-NGO-CEDAW-Alternative-Report-2012.pdf>> accessed 20 November 2020 [↑](#footnote-ref-32)
34. Office of the Director-General of the Ministry of Education, ‘Surat Pekeliling Ikhtisas Bil 7/2003: Kuasa Guru Merotan Murid (Professional Circular Letter 7/2003: the Authority of Teachers to Cane Students)’ (29 October 2003) Reference KP(BS) 8591/Jld.XVIII (7) <<https://www.moe.gov.my/pekeliling/1970-surat-pekeliling-ikhtisas-bilangan-7-tahun-2003-kuasa-guru-merotan-murid/file>> accessed 6 October 2020 [↑](#footnote-ref-33)
35. Ibid. [↑](#footnote-ref-34)
36. Ministry of Health, ‘Garispanduan Pengendalian Masalah Kesihatan Gender di Klinik Kesihatan’ (2017) <<https://www.researchgate.net/publication/314228943_GARISPANDUAN_PENGENDALIAN_MASALAH_KESIHATAN_GENDER_DI_KLINIK_KESIHATAN>> accessed 5 October 2020 [↑](#footnote-ref-35)
37. Ibid. [↑](#footnote-ref-36)
38. Ibid. [↑](#footnote-ref-37)
39. Ibid. [↑](#footnote-ref-38)
40. Ibid. [↑](#footnote-ref-39)
41. https://www.bbc.com/indonesia/indonesia-42348089 [↑](#footnote-ref-40)
42. https://www.thejakartapost.com/news/2020/09/21/house-continues-deliberation-of-controversial-family-resilience-bill.html [↑](#footnote-ref-41)
43. https://www.reuters.com/article/us-indonesia-pornography-idUSTRE62O28R20100325 [↑](#footnote-ref-42)
44. UNDP (2014) “Being LGBT in Asia: Indonesia Country Report” UNDP Asia Pacific Regional Centre. Bangkok: UNDP [↑](#footnote-ref-43)
45. The world waria is a local term used for transgender women and came from the combination of the male and female translation in Indonesian (*wa*nita and p*ria*). [↑](#footnote-ref-44)
46. UNDP (2014) “Being LGBT in Asia: Indonesia Country Report” UNDP Asia Pacific Regional Centre. Bangkok: UNDP [↑](#footnote-ref-45)
47. The regulation defines social rehabilitation as an intervention that " is intended to restore and develop the ability of a person experiencing social dysfunction so that he can carry out his social function properly " (Law No.11 of 2009 Article 7 paragraph 1-(Ministry of Social Affair, 2020). [↑](#footnote-ref-46)
48. Fadly, F. (2019) “Waria di Kawasan Pasar Jambi Diamankan, Petugas Temukan Puluhan Kondom yang Disimpan di Dalam Tas” *Tribun Jambi*. 15 July 2019. Available at:<https://jambi.tribunnews.com/2019/07/15/waria-di-kawasan-pasar-jambi-diamankan-petugas-temukan-puluhan-kondom-yang-disimpan-di-dalam-tas> (Accessed: November, 2020) [↑](#footnote-ref-47)