



Indonesia: Civil society groups call on the President to side with victims of sexual harassment and violence

(Bangkok/ Jakarta, 10 July 2019) – We, the undersigned civil society organisations, denounce Indonesia’s Supreme Court decision that rejected the reconsideration of the court decision against Baiq Nuril, a victim of online sexual harassment criminalised under the Electronic Information and Transactions Law. We stand in solidarity with her and call for the President of Indonesia to grant amnesty to her and to repeal the draconian law as it is discriminatory against victims of sexual harassment and violence in the country.

Baiq Nuril, a former teacher in Nusa Tenggara Barat province, was charged with violating the Article 27 (1) of the Electronic Information and Transactions Law in 2017 after disseminating recording of conversational messages of her supervisor with elements of sexual harassment directed to her. She was found guilty and sentenced by the Supreme Court to imprisonment for six months in addition to a fine amounting to 500 million Indonesian Rupiah (USD 35,000).

The existence of Article 27 (1) of the Law has been problematic as it perpetuates the culture of silence on sexual harassment and violence. The article criminalises ‘any person who knowingly and without authority distributes and/or transmits and/or causes to be accessible Electronic Information and/or Electronic Documents with contents against propriety.’ Since the interpretation of what may be ‘against propriety’ is ambiguous, it creates risks for victims to collect and transmit evidence of the sexual harassment or violence they face.

Women, particularly victims of sexual harassment and violence in online and offline spaces find themselves in a vulnerable position under Indonesia’s legal system and environment. Indonesia currently does not recognise online sexual harassment as a form of sexual harassment and violence against women in its legal system. As a result, many online sexual harassment cases are left unaddressed amidst the increasing number of victims voicing their concerns on sexual harassment in cyber-space in alignment with the global #MeToo campaign.

Baiq Nuril’s case proves that Indonesia’s judicial system and law enforcement apparatuses lack a gender perspective and sensitivity towards the handling of sexual harassment and violence cases. The police’s investigation and the Supreme Court’s decision were made based on gender-blind analysis, which only highlighted the act of illegal recording and dissemination of inappropriate contents. They failed to take into consideration the contents of the recording, which was a clear record of sexual harassment experienced by the victim. Justice system and law enforcement apparatuses that do not side with the victims of sexual harassment and violence will only perpetuate the culture of victim-blaming, reinforcing a toxic patriarchal society and silencing the voice of people whose rights are violated.

We stand with Baiq Nuril and all victims of sexual harassment and violence in Indonesia. We call on President Joko Widodo to grant her amnesty, lift charges against her, cease any further criminalisation attempts, and ensure the provision of appropriate remedial action for her. We further call on the

Government of Indonesia to amend discriminatory provisions under the Electronic Information and Transaction Law and other discriminatory laws that may be used to hinder victims from seeking justice and further curb fundamental freedoms in Indonesia. Lastly, as a country that has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), we urge the Government of Indonesia to realise its legal obligation to put into practice the provisions of CEDAW, by adopting legislative and other measures through all appropriate means that prohibit all acts of discrimination against women.¹

Signatory organisations:

- Asian Forum for Human Rights and Development (FORUM-ASIA)
- Aliansi Jurnalis Independen (AJI)
- Human Rights Working Group (HRWG)
- Imparsial
- Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan (KontraS)
- Lembaga Studi dan Advokasi Masyarakat (ELSAM)
- Perhimpunan Bantuan Hukum dan Hak Asasi Manusia Indonesia (PBHI)
- Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI)
- Yayasan Sekretariat Anak Merdeka (Yayasan SAMIN)

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¹ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Article 2.