

**Indonesian National Commission on Violence against Women  
(Komnas Nasional anti Kekerasan Terhadap Perempuan –  
Komnas Perempuan)**

**National Human Rights Institution  
Independent Report**

**Regarding the Implementation of the Convention on the Elimination of  
All Forms of Discrimination against Women in  
Indonesia, 2012 – 2016**

**Submitted to the CEDAW Committee**

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## **Executive Summary**

Violence against women remains a serious problem up until now. The newest data from Komnas Perempuan notes that in 2015, there are 321.752 cases of violence against women recorded across Indonesia (Catahu 2016). A large proportion of these cases constituted domestic violence. Even though since 2004 the Elimination of Domestic Violence Act has been in effect, the implementation of this Act continues to be hindered by a number of issues, such as the problem of the lack of gender awareness within law enforcement agencies which results in the implementation of the Act remaining not yet optimal for the protection of female victims of domestic violence.

Women migrant workers and women domestic workers have unique vulnerability. The results of monitoring by Komnas Perempuan demonstrates the vulnerability of women migrant workers to becoming entrapped in drug smuggling and human trafficking syndicates. They are entrapped through coercion and marriages and forced to become drug courier. The result is they are vulnerable to be facing the death penalty after being captured by law enforcement. Mechanisms are needed for the protection and the recovery of women migrant workers who experience violence or other problems at any of the stages of migration. A specific law is also needed to guarantee the protection of domestic workers and the fulfillment of their rights as workers.

The increase of policies that are discriminative towards women and minority groups is an ongoing problem. This is evident by the increase in the amount of policies that operate under the name of religion and are discriminative towards women. Komnas Perempuan's data shows that up to 2016 there are as many as 421 discriminatory policies that have been introduced across Indonesia. Komnas Perempuan continues to push the government to revoke these discriminatory policies, however until now only one of these policies has been revoked and a further 23 clarified. There has also been an increase of policies which are conducive for the fulfillment of women's human rights with data from 2016 demonstrating that there are 349 of such policies.

Sexual violence in Indonesia continues to rise from year to year. Based on Komnas Perempuan's annual notes: In 2015 there were 6,500 documented cases of sexual violence, rising from 2014 when there were 2183 reported cases. In 2012, 3,901 cases were recorded, rising to 5,629 cases in 2013 which is an increase of 45%. In the period from 2011-2015 the average annual increase in reported cases of sexual violence is 30%. Komnas Perempuan has documented 15 forms of sexual violence that arise in various contexts, ranging from violence carried out by the State in situations of conflict to violence in personal relationships. These forms of sexual violence include: rape, sexual intimidation (including attempted rape or threats of rape), sexual abuse, sexual exploitation, the trafficking of women into sex work, forced prostitution, sexual slavery, forced marriage, forced pregnancy, forced abortion, forced sterilization and contraception and sexual control (discriminative rules enacted in the name of religion and morality). Recently there has been an alarming emerging pattern of sexual violence that is rape carried out by multiple offenders or gang rape.

In response to the problem of sexual violence, Komnas Perempuan along with the Indonesia wide Service Provider Forum (FPL) continues to push for the discussion and passing of the Elimination of Sexual Violence Bill (RUU PKS) in parliament which has already been entered into priority list of the 2016 National Legislation Program (Prolegnas) and entered again into priority list of the 2017 National Legislation Program. In the education sector, it is needed to increase protections for female student victims of sexual violence so they do not experience revictimization through the loss of their right to education. Based on the Annual Notes of Komnas Perempuan,

Komnas Perempuan advocates for the immediate cessation of the practice of virginity testing which is a form of sexual violence. At this time ceasing virginity testing is still being discussed but there has no firm action to cease the practice in the recruitment of female police officers and members of the armed forces. Female circumcision is another form of sexual violence which continues to be practiced until now. The practice still continues because of the belief that female circumcisions are recommended by religion, part of the culture and the omission of the state in ceding the authority to religious institutes to carry out the practice. The practice of female circumcision must be ceased immediately as there is no benefit whatsoever that comes of the practice and it constitutes a form of sexual violence.

On abortion, Government Regulation No.61/2014 regarding Reproductive Health contains the provision for rape victims to be able to access abortions. However, in the implementation of this law, difficulties are encountered because abortions are only allowed within the first 40 days of pregnancy and there are overlapping law, the Criminal Act (KUHP) which criminalizes abortion.

In politics, the required 30% quota of women representatives in parliament has not been reached, this is true of both national and regional parliaments. At this time the number of women members of parliament is only 17% which is still a long way of the minimum quota of 30%. Strong sanctions need to be enforced for political parties who have not fulfilled this quota.

The acquisition and management of land and forests are closely linked with the sustainability of indigenous communities in general and specifically indigenous women. For indigenous women the forest is the source of life because it provides food, water and medicine. Indigenous women remain underrepresented and excluded from the decision making process related to the acquisition of land and management of forests and natural resources. This under representation and exclusion occurs within their own communities and also in interactions with the government.

Child marriage continues to be rampant in Indonesia with around one out of every six women being married before the age of 18 years. An effort to raise the minimum age of marriage for girls from 16 to 18 years through a Judicial Review at the Constitutional Court was refused by the Court in 2015.

The rate of maternal mortality recorded in Indonesia is 305/100,000. This is one of the highest rates in South East Asia. This high rate is related to the insufficiency of sexual and reproductive health services available to women and the limited opportunity for women to make decisions over their bodies.

Women who follow minority religions and indigenous beliefs outside of the official religions experience discrimination in many aspects of their lives. In terms of public services, discrimination occurs because the civil registry does not record any religions that are outside of those recognized by the state. This results in difficulties in obtaining identification (KTP), marriage certificate, birth certificates and accessing public services such as health care.

Women from sexual minority groups (lesbian, bisexual and transgender/LBT) are vulnerable to violence and discrimination. They face discrimination in accessing work as is evident through the Qanun Jinayat (Acehnese interpretation of Sharia Law) in the Bireun Regency in Aceh where the Head of the Sharia Department issued a Circular Letter banning the hiring of transgender people.

Inhumane punishments such as caning for offenders of *zina* (adultery) continue to be applied in Aceh. The implementation of this punishment is extremely gender biased as it criminalizes women rape victims who report their cases to the authorities but are not successful in providing their cases, these women are then caned. The Convention against Torture (CAT) has been ratified by Indonesia by way of Act No.5/1998 and thus Komnas Perempuan urges the state to cease caning as a punishment.

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## **A. Introduction**

1. This report is prepared by Indonesian National Commission on Violence against Women (Komnas Perempuan), an independent state body for the enforcement of women's rights. Komnas Perempuan was established through Presidential Decree No. 181/1998 which was then reinforced by Presidential Regulation No. 65/2005. Komnas Perempuan was founded in response to the demands of civil society, particularly women's groups, to the government. These demands called for the state to take responsibility for the violence experienced by women, particularly the sexual violence experienced by women in the May 1998 riots aimed at ethnically Chinese women in Indonesia.
2. Komnas Perempuan's working foundation is the 1945 Constitution of the Republic of Indonesia, Law No. 7/1984 regarding the Ratification of the Convention of All Forms of Discrimination against Women (CEDAW), Law No. 5/1998 regarding the Ratification of the Convention against Torture and Other Cruel, Inhumane or Degrading Punishments (CAT), the International Declaration on the Elimination of Violence against Women (1993), and other policies and legal instruments regarding human rights.
3. Komnas Perempuan has been given the mandate to develop conditions which are conducive for the elimination of all forms of violence against women and the enforcement of women's human rights in Indonesia. This includes increasing efforts to prevent and reduce all forms of violence against women and to protect women's human rights. Komnas Perempuan has the authority to make all efforts to: increase public awareness; conduct monitoring, fact-finding and reporting on situations of violence against women as violations of human rights; review laws and policies and conduct strategic research; provide suggestions and considerations on policies to government agencies and community organizations; and develop cooperation at national, regional and international levels.
4. With this broad mandate and authority, over the last 18 years Komnas Perempuan has played an effective role as a National Human Rights Institution (NHRI) in compliance with the Paris Principles. Its independent selection process of its commissioners has strengthened the capacity of the organization to guarantee its independence and pluralism.

This development has made Komnas Perempuan become a model NHRI in the regional and international spheres that is unique and specifically mandated to handle women's human rights issues.

5. Komnas Perempuan appreciates the political commitment of President Joko Widodo, the People's Representative Council (DPR), and a number of Ministries expressing their support for Komnas Perempuan as a NHRI. This commitment however, has not yet translated into concrete action by way of allocation of resources, funding and making Komnas Perempuan as an independent working unit.
6. Unfortunately, support from the state for Komnas Perempuan as an NHRI remains low. In 2015 the President promised to increase financial support for Komnas Perempuan, however until the end of 2016 this promise has not been fulfilled. In fact, similar to other state institutions, Komnas Perempuan has been affected by budget cuts in 2016.
7. The strategic approach of Komnas Perempuan in developing and carrying out its mandate is to hold consultations with various stakeholders, especially communities of victims, women's rights institutes, human rights institutes in general, civil society organizations (CSO), as well as the government, legislature and judiciary. The information prepared within this report is based on the results of monitoring carried out by Komnas Perempuan and a number of consultations with relevant stakeholders. As a national human rights institution, one section of the contents of Komnas Perempuan's CEDAW report ideally contains critical notes regarding the state's (Indonesia) report to the CEDAW Committee. However, because as of the end of 2016 the state has not finished their report, Komnas Perempuan has decided to submit their report without this section.

## **B. General Situation**

8. The term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis

of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field (CEDAW, article 1).

9. Komnas Perempuan has expanded the definition of women in article 3 of ECOSOC covenant to include not only biological women, but also those who sociologically and psychologically consider themselves as women. In this way the understanding of “guaranteeing equal rights between men and women “ include – but are not limited to – transgender people (Komnas Perempuan’s ECOSOC report 2014).
10. *Nawacita* as the platform of President Jokowi’s government has the agenda for the Respect, Protection and Fulfillment of the Right to Justice as a strategic target within the Human Rights and Legal Development Target’s based on the National Mid Term Development Plan 2015-2019 (RPJNM). One policy direction from this target is: The Handling of Violence against Women and Children.<sup>iv</sup>
11. Cases of domestic violence continue to dominate the largest amount of cases handled by service providing organizations, this is true for state organizations and also community organizations. More than 60% of cases that have been handled and documented in Komnas Perempuan’s Annual Notes (CATAHU), (data which is compiled from various organizations that provide services for victims of violence across Indonesia) are cases of spousal violence, a figure which continues to rise year by year. This rise is partly due to the increase of public awareness regarding domestic violence that has occurred through socialization of the Elimination of Domestic Violence Act (UU PKDRT). Despite this increase of public awareness, the implementation of the UU PKDRT needs to have its effectiveness increased especially regarding awareness of law enforcement officials in utilizing gender perspective in the reading of the UU PKDRT. Based on Komnas Perempuan’s Annual Notes as well as monitoring and evaluation of the UU PKDRT carried out by Komnas Perempuan, a large proportion of victims of domestic violence choose divorce as a way to resolve the domestic violence they have suffered rather than utilizing the UU PKDRT. On one hand, divorce tends to end the domestic violence being suffered. However, divorce does not prosecute the offender of the violence. This results in the implementation of the UU PKDRT not yet being optimal in regards to protecting and providing justice to the victim.

12. The total number of cases of violence against women handled by service providing organizations as has been noted in Komnas Perempuan's annual notes is as follows: in 2012: 216,516 cases, in 2013: 279,688 cases, in 2014: 293,220 cases, and in 2015: 321,572 cases. Similar to years past, the total number of cases handled by service providing organizations in 2015, have been dominated by domestic violence and violence carried out in the personal sphere.
13. Dating violence constitutes the second most prevalent form of domestic violence after spousal violence. Dating violence has been found to exist as a violent pattern of behavior in which control and power is exerted over one of the parties in a relationship. Following is the data related to dating violence based on data that has been gained from complaints directly received by Komnas Perempuan and data from service providing organizations. This data is drawn from Komnas Perempuan's annual notes: 2012: 1,145 cases of dating violence, 2013: 2,664 cases, 2014: 1,877 cases and 2015: 2,839 cases. The forms of violence experienced are multi dimensional including physical violence (e.g. punching, kicking, biting, strangling) and psychological violence (e.g. threatening, intimidation, isolating, insulting). Victims are also subject to control, restricted in whom they may talk with and socialize with by offenders who uses jealousy as a way of legitimizing their actions. Sexual violence is the form of violence which is most often experienced by victims of dating violence, offenders use threats to obtain sex from the victim, such as threats that naked photo's will be spread on social media if the victim does not have sex with the perpetrator. Repeatedly being forced to have sex and being forced to undergo abortions are common. Legal protections for victims of dating violence are not yet accommodated for in Indonesian national law. Victims who experience physical violence are forced to report their cases as general assaults. This is also the case for victims who experience violence in other forms such as psychological, sexual and economic violence who must find other legal grounds for their cases because of shortcomings in the law.
14. Through its direct complaint receiving mechanism (Complaints and Referral Unit), Komnas Perempuan monitors and observes violence against women carried out by public officials which includes public servants, law enforcement officers, members of the armed forces, religious figures and community figures. Cases of violence against women carried out by public officials continue to surface every year. From the period of 2011 through 2015, 572

cases directly involved public officials. 35 % of these incidents (202 cases) had civil servants as the offender, 18% (90 cases) were committed by police officers and 10% (60 cases) were committed by teachers. The remaining cases had members of parliament, politicians, judges, religious figures, and public figures as the offender. Domestic violence including violations to the Marriage Act was the most prominent form of violence in this category. Violations to the Marriage Act included: falsification of marriage/divorce certificates, unregistered marriages, and polygamy. Sexual violence carried out by public officials was the second most prominent form of violence and included rape, sexual slavery, sexual harassment, sexual exploitation, sexual intimidation and attempted rape. The third most prominent form of violence was statements issued by public officials which were discriminative towards or degraded women. Cases of this kind are noted each year. However, in this type of case, public officials often use their influence and authority to carry out the violence and then deny, ignore or silence the victim. This is despite the fact that these figures are role models in societies and their actions become a reference for community behaviors.

15. Komnas Perempuan carried out initial monitoring in July, September and October 2015 on the condition of Rohingya female refugees who landed in Aceh. From the results of Komnas Perempuan's monitoring, it is noted that the number of Rohingya refugees is around 1,759. The refugees have been placed in four complexes serving as shelters. The important findings of Komnas Perempuan are: a) the destination of the Rohingya refugees after leaving Myanmar was Malaysia with the aim to meet relatives working there. They do not wish to settle in Aceh/Indonesia. b. Women and children have been traumatized as a result of experiencing or witnessing violence in their countries of origin and also at sea. c. There are a number of young women who were pregnant at the time of landing. There is also a problem of inter gender mingling which upsets the local Acehenese people and their religious values and causes the local communities to push young mingling couples to be married. A lack of translators has created difficulties in communication and the distribution of aid and services, e. There is jealousy from local impoverished communities because of aid provided to the Rohingya people. f. The sanitation facilities in the camps are not women friendly and the food provided not sensitive to the diets of the Rohingya people. Komnas Perempuan has already delivered its initial findings to the Social Minister to ensure the

coordination of aid in a way that does not overlap and is distributed equally and also to protect women from violence in the camps.

16. Komnas Perempuan from December 2011-August 2012 carried out mapping on the situation of women in prison and types of detention (Social Rehabilitation Centers) to map the forms and patterns of violence against women in detention. This mapping was carried out in Bali, Jakarta, Tangerang and Malang. This mapping found a number of problems and issues to exist generally and identified the following forms of violence against women in prison and detention: a. Overcrowding was found to be a problem due to the limited space for women prisoners; b. A lack of gender sensitivity in the placement and classification of prison and detention centers results in many of the special needs of women not being fulfilled such as access to sanitary napkins and female reproductive health care (pregnant women in prison and detention had to give birth and care for their babies in prison); c. Some cases of women's imprisonment were caused by their involvement or being trapped in drug distribution, even though it should be noted that women are not the main actors in these drug crimes, the role of women is usually as couriers or because of being forced by husbands or boyfriends, or because of having a drug dependency themselves; d. Women in prison and detention are vulnerable to experiencing physical, sexual and psychological violence and economic abuse. Physical violence occurs during their arrest and investigation at the hands of police.<sup>vi</sup>

### **C. Specific issues**

#### ***Discriminatory and conducive policies (Article 2)***

17. Komnas Perempuan's documentation demonstrates that the number of discriminative policies at the national and regional levels continue to rise. In 2002 there were 328 of such policies; in 2013: 342 policies, in 2014: 365 policies, in 2015: 389 policies and 2016 there have been 421 discriminative policies found to be operating across Indonesia. Komnas Perempuan has created five categories for discriminative policies: a) Limitations to the right of freedom of religion; b) Criminalization of women; c) Morality and religion; d) Control over women's bodies; e) Employment discrimination. Policies in these five categories have negative effects towards women in general, especially towards women followers of minority

religions and indigenous beliefs, women with disabilities and women of diverse sexual orientations. Komnas Perempuan makes efforts to prevent the addition of new discriminatory policies. This is done through a number of methods for example providing training to the staff of the Law Bureau in a number of provinces regarding methods to ensure that the formulation of bylaws which are discriminatory or unconstitutional is avoided. Consultations, discussions and negotiations with a number of state bodies such as The Ministry of Law and Human Rights and the Ministry of Internal Affairs are also being carried out. Komnas Perempuan has also published a book regarding guidelines for assessing the constitutionality of policies. Despite this, up until now there have been no significant steps carried out by the state to revoke the discriminatory policies.

18. Only one discriminatory policy from the extensive list has been revoked, the Governor Regulation No.71/2015 regarding the Cultural Village (Desa Berbudaya) which forced marriages between couples who were found to be dating after 09.00 PM. This regulation was revoked by utilizing Act No.23/2014 regarding Regional Governments (detailing regional autonomy). A policy from the national level which has been recommended to be amended but has not yet is Act No.1/1974 regarding Marriage (which continues to allow for polygamy and child marriage). Other discriminatory policies at the national level which are causes of discrimination and violence against women are the Act No.1. PNPS/1965 regarding Preventing the Misuse and/or Insult of Religion, Act No 44/2008 regarding Pornography and Act No.24/2013 regarding Population Administration.
19. Based on the Ministry of Home Affairs official website (Kemdagri, 2016), in 2016 the government has revoked 3,143 policies. These policies were made up of 1,765 Regional Regulations, 11 Ministry of Home Affairs Regulations that were revoked by the ministry itself and 1,267 Regional Regulations that were revoked or revised by governors. On their website, the Ministry of Internal Affairs states that the criteria for revoking policies is if policies hinder economic growth, lengthen the process of bureaucracy, hinder investment or the facilitation of business. Not a single one of the 3,143 policies revoked by the Ministry of Internal Affairs has been related to the discrimination of women or falls into the five categories of discriminatory policies mentioned earlier.
20. Besides discriminatory policies, the regional and national governments have also issued policies which are conducive to the fulfillment of women's human rights, and this number of policies continues to increase year by year. However if compared to the number of

discriminatory policies, the number of these conducive policies are fewer. Except for in 2014 when conducive policies were greater in number than discriminatory ones. Komnas Perempuan's documentation of conducive policies demonstrates that: in 2013 there were 252 policies, in 2014: 567 policies, in 2015:276 and in 2016 349 policies. Komnas Perempuan has compiled 11 categories of conducive policies, these are: a) Services provided for women victims of violence; b) Migrant workers; c) Children's rights; d) Reproductive rights; e)Livelihood for married women; f) Protection of women; g) Right to education; h) Gender mainstreaming; i) Human trafficking (of women); j) Human trafficking and services for victims; k) Prevention of sexual violence and crimes. A large number of these conducive policies fit into the category: protection of women.

### ***Sexual violence (Article 3)***

21. Komnas Perempuan appreciates that Elimination of Sexual Violence Bill has been entered into the priority list of the National Legislation Program (Prolegnas) 2016 and 2017. The instance of violence against women which continues to rise and the difficulty for women victims to gain protection and justice constitutes an urgent situation which requires an Elimination of Sexual Violence Law. Since 2014, Komnas Perempuan alongside the Service Provider Forum (FPL) has drafted an Elimination of Sexual Violence Bill (RUU PKS) which is aimed to prevent and handle cases of sexual violence and provide for the rehabilitation of victim as well as punishment of offenders. The bill also sets out special legal procedures for the handling of cases of sexual violence to rid the process of obstacles for victims and increase legal access for women who until now face difficulties in solving their cases through the law courts.

### ***Representation of Women in Politics (Article 4)***

22. Komnas Perempuan appreciates that a number of efforts have been carried out by the government and women's organization to increase the representation of women in parliament, however results of these efforts have not yet been realized. In the 2014 general election, the proportion of women elected to the legislature failed to reach the set quota of 30%. In this election women were elected to 97 seats in the House of Representatives (DPR)

(17.32%) and 35 seats or 26.51% in the Regional Representatives Council (DPD). In the provincial Regional Legislative Council (DPRD) women were elected to 16.14% of the seats and 14% of the seats in the municipality/regency Regional Legislative Council (DPRD). Compared to the previous period, the percentage of women representatives in the DPR dropped from 18.2% in 2009 to become 18.2% in 2009 and then 17.3% in 2014. This is despite the fact that women candidates who ran for seats in the general elections rose from 33.6% in 2009 to become 37% in 2014.

23. At the regional level, Papua as a region which possesses regional autonomy based on Act No.21/2001 should have affirmative action for women in the political sphere. However, instead of having affirmative action, women are discriminated against during national and local elections. There is widespread stigmatization of Papuan women where they are viewed as not appropriate to become politicians. This issue becomes a major barrier for Papuan women to participating in the public sphere and in politics. The results of monitoring carried out by Komnas Perempuan in 2015 at seven polling stations in the regency of Keerom and Merauke shows that Papuan women in the process of regional elections do not only play the role of voters but also officials responsible for the electoral process including overseeing polling booths. Komnas Perempuan additionally noted that the absence of identity cards (KTP) was a significant barrier for Papuan women to participating in elections.

### ***Indigenous Women (Article 5) and Natural Resources Conflict***

24. Discrimination against indigenous women continues to occur through the exclusion of these women in the process of transitioning and repossessing of their traditional lands. Komnas Perempuan working with Komnas HAM carried out a national inquiry regarding the situation of indigenous communities (*masyarakat adat*) in Sumatera, Java, Kalimantan, Sulawesi, Maluku and North Maluku, Bali and Papua. Some of the findings are (Komnas Perempuan, 2015c): a) Indigenous women experience multi-dimensional discrimination and violence that occurs within their communities, in the wider society and by the state; b) In the process of transitioning lands or the right to use land and in the process of conflict resolution, violence and violations of human rights occur. This includes violations to the right to feel safe, the right to life, the right to a clean environment, right to development,

right to education, right to health, right to culture the right to freedom of assembly and the right to information; c) The forced seizure of sources of livelihood from indigenous communities occurs systematically on a massive scale and is increasing in frequency;d) Indigenous communities, especially women within those communities, young or old, especially those who are marginalized and excluded must fight against the violence they are faced with; e) The transitioning function of the forest results in girls unable to access higher education because of poverty. Increasingly hard living conditions results in young women more susceptible to human trafficking;f) The reproductive health of indigenous women is poor, the women's health further suffers when the forest and lands which had traditionally provided for all of their needs are taken from them; g) Women as agents: women in indigenous communities play many roles, including amongst others: as guardians of traditional rituals, guardians of the balance of nature and ecology, peace promoters and healers. These roles can no longer being played in the absence of their forest.

25. Komnas Perempuan has carried out monitoring in the mountainous region of Kendeng, a district which is having its social fabric and ecology threatened by the construction of cement factories. The local population of Kendeng, most of who are agricultural workers are concerned with the construction of factories which is destroying the land and the ecosystems in Kendeng and directly threatening the livelihoods of the local population. Local women conservationists have taken the front line in the fight against the factories, engaging in a number of protests that have gained the attention of the president. Komnas Perempuan's monitoring demonstrates that women the women conservationists and women human rights defenders in Kendeng are facing multi layered gender based violence that includes: A) Physical violence that occurred when 155 women who took action to block the road to the location of the cement plant were forcefully disbanded by security forces. They were kicked, trod on and strangled by police in the effort to break up the protest. A number of women were forcefully thrown into bushes, resulting in fainting and a number of injuries. B) Psychological abuse from police who threatened the demonstrating women that they would be kidnapped and paid gangsters who visited the women at their homes and threatened them with machetes. A number of these reported incidents continue to this day. C) This ecological conflict has seen the beginning of the breaking down of community solidarity and kinship because of the division in opinions that the construction of the factory has caused.

### ***Child Marriage (Article 5)***

26. Komnas Perempuan highlights the decision of the Constitutional Court No 30-74/PUU/XII/2014 which rejected the application of the judicial review of article 7 (1) and (2) of Act No. 1/1974 regarding Marriage that outlines the minimum age of marriage for women. Based on Komnas Perempuan's Annual Note, the cases of divorces caused by underage marriages are as follows: 498 cases in 2012, 827 cases in 2013, 353 cases in 2014 and 1,131 cases in 2015. The Ministry of Health in its campaign to prevent maternal mortality has coined the slogan "3 Late's and 4 Too's, the four 'too's mean: Too close, too often, too young and too old". The phrase "too young" refers to the fact that girls who are not of an adequate age to give birth often results in maternal mortality. Despite the Ministry of Health's campaign, child marriage is largely left to occur. One cause of child marriage is that the institutions responsible for marriage often provide dispensations because a girl has fallen pregnant and a marriage provides a solution to avoid shame for a family. The rejection by the Constitutional Court fosters the practice of dispensation of marriageable age for girls. A number of arguments have been made which demonstrate the negative impact of child marriage in terms of health, psychology and the violations of human rights (including right to education and right to grow). Komnas Perempuan has explained the negative effects of child marriage and the susceptibility of girls entering into such marriage to becoming victims of domestic violence, human trafficking, migrant workers and pedophilia. The state, however, has so far not acknowledged the urgency to change the law in order to protect millions of girls in Indonesia.

### ***Migration and Human Trafficking (Article 6)***

27. Komnas Perempuan appreciates the response of the government in giving priority to the protection to Indonesian citizens abroad, such as the evacuation of Indonesian migrant workers in conflict areas and the effort to rescue kidnapped Indonesian citizens abroad, the government has also began to gradually recognize the importance of protecting undocumented migrant workers. However, the issue of human trafficking remains a serious problem. Within Komnas Perempuan's Annual Notes, 403 cases of trafficking were recorded in 2012, 614 cases in 2013, 310 cases in 2014 and 378 cases in 2015. The

fluctuation of this case data depends on the capacity of the service provider organizations in Komnas Perempuan's networks and their availability to complete and return data collection forms that are circulated by Komnas Perempuan each year. Human trafficking is a very serious and complex issue and women and children often become victims. Women are sold for sexual and financial exploitation, trapped in drug trafficking syndicates and modern slavery. Komnas Perempuan views that the roots of the human trafficking problem in Indonesia is one of the impacts of the process of economic development which has not resulted in equality for women, furthermore that the poverty of women and the management of migration which profits the private sector results in the entrapment of female migrant workers in a legal cycle of human trafficking. At this time, wide cross sections of the community have begun to become aware of the dangers of human trafficking and have actively joined in public campaigns and have assisted police. The role of the community in the prevention of trafficking and protection of victims is incredibly important. Attempting to overcome the roots of the problem through the economic empowerment of women is not effective if it is not accompanied by staunch law enforcement. The position of power of offenders in human trafficking rings is gained by systematically weakening the economic situation of their targets. In the province of NTT, in the case of Wilfrida Soik, the offender/recruiter of trafficking was never legally processed with the effect that the offender was unimpeded to repeatedly engage in human trafficking as a result of the inaction and complicity of law enforcement. Accurate data and documentation services are important for migrant workers who are to work outside the country. Safe and effective management of the migration process is the most important factor in timely detecting trafficking and potential trafficking risks. Unfortunately the systems and services surrounding documentation of migrant workers in Indonesia is still being improved.

### ***The right to vote (Article 7)***

28. The results of monitoring carried out by Komnas Perempuan in 2015 at seven polling stations in the regency of Keerom shows that Papuan women in the process of regional elections do not only play the role of voters but also officials responsible for the electoral process including overseeing polling booths. Komnas Perempuan additionally noted that the absence of identity cards (KTP) was a significant barrier for Papuan women to participating in local and national elections. Not being provided with voter invitations is another large

barrier facing Papuan women in exercising their right to vote. Women not receiving voter invitations is not only caused by the difficulties in reaching their homes but also by the absence of identity cards. Such as the story told by an elderly Papuan nurse who explained how there were five eligible voters in her household but only she herself was provided with a voter invitation because only she had an identity card. In elections the central government has agreed with the application of the Noken voting system in selected remote areas within the provinces of Papua and West Papua. This system delegates the right to vote of all people in an indigenous community to the elder of that community. Whilst this system is positive in that it provides a voice to remote communities, because of the strength of the patriarchy culture in an indirect way this system disadvantages women candidates and voters. This is a result of the high likelihood that the head of a community will give the communities vote to a male candidate.

### ***International Engagement (Article 8)***

29. Komnas Perempuan appreciates that the government recognizes the important roles of NHRI's in regional and international forums. Komnas Perempuan is involved in the Republic of Indonesian Commission on the Status of Women (CSW) delegation to oversee and be involved in related global policies. Since 2012, Komnas Perempuan has encouraged the government to allow Papuan Women to be involved in the CSW. Other strategic roles played by Komnas Perempuan include providing input during visits from the High Commissioner for Human Rights, UN Special Rapporteur on Adequate Housing and other Special Rapporteurs who visit Indonesia in formal and non formal capacities. The reports of Komnas Perempuan to the various human rights mechanisms of the UN are often being adopted and become the basis for recommendations for Indonesia (such as the Universal Periodic Report/UPR). In the regional context, the human trafficking has become an increasing concern within the context of women's issues, which has thus become a major focus of the ASEAN Intergovernmental Commission on Human Rights (AICHR) through the framework of ASEAN Convention on Anti Trafficking (ACTIP). In addition, the initiative to prevent violence against women is being overseen by The ASEAN Commission on the Promotion and the Protection of the Rights of Women and Children(ACWC)

through the ASEAN Regional *Plan of Action of Elimination on Violence against Women (EVAW)*. Regional mechanisms have also produced a Declaration regarding EVAW. Unfortunately the mechanisms of AICHR and ACWC at the regional level are not yet strong as human rights mechanisms because they do not yet possess monitoring mechanisms as a working base, but still depend on consensus. Furthermore, Indonesian government does not show much support to these regional mechanisms within AICHR, especially the ACWC.

30. In responding to the CEDAW Committee's General Recommendation No.30 regarding Women in Conflict Prevention, Situations of Conflict and Post Conflict, Komnas Perempuan has provided advice to the state during the meeting of Global study on UNSCR 1325 regarding Women, Peace and Security. Because Indonesia is a country which is prone to conflict, Komnas Perempuan advises Indonesian government to voluntarily make itself open for review in global review mechanism on UNSCR 1325. Komnas Perempuan also hosted a side event in the ASEAN People Forum in Timor Leste on 4 August 2016 with the theme Engendering Security Sector Reform. In the 1325 symposium in Bangkok July 2016, Komnas Perempuan raised the issue of there being no acknowledgement in the vertical conflict (only an acknowledgement of horizontal conflict) in the 1325 National Action Plan for Indonesia. Komnas Perempuan agrees with the integration of gender issues into the security sector in Indonesia, where until now there has been no significant or tangible progress in developing and implementing mechanisms or Standard Operational Procedures for the prevention and handling of gender based violence and sexual violence. This is an important part of developing the security sector.

### ***Citizenship and Parental Rights (Article 9)***

31. In the period from 2014-2016 Komnas Perempuan, through the Complaints and Referrals Unit received three cases related to disputes of custody of children with the wife an Indonesian citizen and the husband a foreign citizen. The reported cases include psychological violence such as accusations of insanity and mental instability by the father with the aim to gain custody after divorce and cases of children being taken forcefully by the father back to the father's native country. The economic dimension of abuse includes

women being scared to request a divorce because of a lack of financial independence which results in the wives inability to take care of her children if a divorce resulted. Indonesian citizens who marry foreign citizens face difficulties related to joint custody. If a divorce occurs in a marriage of mixed citizenship, the child has the right to choose which parent they want to have custody. However, if a child was born before the introduction of Act No.12/2006 regarding Citizenship, the child must be reported to the appropriate authorities in order to be able to gain Indonesian citizenship. When the father wants to gain custody of a child they often 'kidnap' the child and take them back to the father's home country, so the child cannot be taken back to Indonesia because of the issue of joint custody which states if a child is to be taken out of a country it must be with agreement from the father.

### ***Right to Education (Article 10)***

32. Komnas Perempuan has received complaints of sexual violence occurring in education institutions carried out by teachers and religious figures. In higher education institutions sexual violence also occurs. Reports of sexual harassment that occurred on campus at UI (2015) and UNTAG (2016) demonstrate that gender based violence continues to occur in the education field. Gender based violence occurs because of imbalanced power relationships that are played upon by teachers or officials within education institutions, this includes in religious based education. Besides this, gender and human rights curriculum is not yet taught in all schools and there is a lack of mechanisms for the handling and prevention of gender based violence in education institutes.
  
33. Komnas Perempuan appreciates the Ministerial Regulation No.82/2015 regarding the Prevention and Protection against Violence in Educational Environments. However, discrimination based on faith and religion continues to occur. This can be seen in the case of Zulfa, a female student at SMKN 7 who was not allowed to pass a grade because she is a follower of a minority belief whom her school attempted to force to join in religious studies of the majority religion. Because she didn't want to, she was not given a score in religious studies and thus was not able to pass the grade. Because of public demand, in the end, the case of Zulfa gained wide public attention and Zulfa was defended. This situation demonstrates education systems in Indonesian do not yet have clear multicultural and

inclusion policies.

### ***Right to Employment (Article 11)***

#### *Access to employment for transgender women*

34. These sexual minority groups are vulnerable to experiencing discrimination and violence, especially women who from their physical appearance it is apparent that they are transgender. They often become the targets of bullying from in the community including when they are at school. The result is many of these people drop out from schooling. Their low education levels result in difficulties finding gainful employment and many end up working up as sex workers or street beggars which results in vulnerability to being arrested by law enforcement and being vulnerable to contracting sexually transmitted infections and facing sexual violence. If they do obtain employment, the fields they can work in are extremely limited. For example in Aceh the Sharia Department in the Bireuen Regency published an advisory letter that owners of salons and hairdressing studios should not employ transgender women. In response to this Komnas Perempuan sent letter No. 072/KNKTP/Pimpinan/III/2016 23 March 2016 to the head of the Sharia Department in the Bireuen Regency which was responded to by the Ministry of Internal Affairs who requested that the regent carry out an evaluation of the letter.

#### *Vulnerability of Migrant Workers and the Death Penalty*

35. Komnas Perempuan appreciates that president Joko Widodo has postponed the executions of two women migrant workers, MJV and MU, because of indications these two women are victims of human trafficking based on the findings of Komnas Perempuan's monitoring. Migrant workers are a group vulnerable to sexual violence and there have been many instances of migrant workers returning to Indonesia with a child that has been conceived through rape. On return to Indonesia, these women face stigmatization in the community and there are no systematic recovery processes for the victims of sexual violence. The offenders of sexual violence against migrant workers are also free from punishment, and enjoy impunity from persecution. Migrant workers are also vulnerable to being recruited by

drug trafficking syndicate and made into drug mules with the effect that they are vulnerable to facing the death penalty upon their capture. The cases of MJV and MU are examples of this. The two women have been saved from execution in the last minute before their sentence was carried out (but remain on death row). In foreign countries, more than 209 Indonesian migrant workers are currently on death row, 63 of these are women. Siti Zainab was executed on the 14 April 2015 and Karni Binti Medi Taslim was executed two days later, both in Saudi Arabia. Siti Zainab was convicted of having killed her employer and had been in jail since 5 October 1999 waiting until the oldest child of the victim came of age and decided whether to pardon her, she was not pardoned (as is possible in Saudi Arabian law). The execution of Siti Zainab was carried out without diplomatic notification even though Indonesia had been carrying out diplomatic actions in asking for clemency. The Indonesian embassy in Saudi Arabia found out about the execution after it has been carried out. Karni Binti Medi Taslim was convicted of having killed the child of her employer in 2012. A number of efforts were made by the child of the victim to pardon the woman but the execution went ahead. Karni binti Medi Taslim left behind three children, one who is still eight years old. Neither of the women was provided with legal representation at any stages of their trial and were suspected to have mental illnesses.

36. Komnas Perempuan has delivered the results of their monitoring on migrant workers. The root of the problem in relation to migration is the management of the migration process which is not pro-women. This results in violence and human rights violations experienced by women migrant workers (in the form of physical, physiological and sexual violence as well as legal discrimination). Indonesia has not yet possessed appropriate legal protections to ensure the safety and fulfillment of rights of migrant workers and although the Convention of Migrant Workers 1990 has been ratified there remains no serious implementation.

#### *Domestic Workers*

37. Komnas Perempuan agrees with the recommendation from the CEDAW Committee that the State quickly passes the Protection of Domestic Workers Bill (RUU PRT), ratifies ILO No.189 and improves the law by entering an article regarding punishments for offenders of sexual harassment in the workplace. However, until this time there is still debate surrounding

the RUU PRT which has been caused by a conflict of interest between the policy makers who are employers of domestic workers and those who are defenders of domestic workers. Besides this, the violence that occurs against domestic workers is considered a problem of the power imbalances between the employer and the employee which is already being covered in UU PKDRT (Elimination of Domestic Violence Act) and KUHP (Criminal Code) which does not specify the legalities of working relationships between domestic workers and their employers. Until now the government has not ratified the ILO 189 regarding decent work for domestic workers though the government has voiced its intention to do so. Meanwhile, the Protection of Domestic Workers Bill has already entered into the National Legislation Program a number of times but has not been passed into law. In 2016, the bill only entered into the Additional National Legislation Program. The difficulty of getting this bill discussed is the lack of understanding about the need of the bill to protect domestic workers and their employers.

38. Komnas Perempuan appreciates the efforts of the Ministry of Labor which has issued the Ministry of Labor Regulation (Permenaker) No.2/2015 regarding the Protection of Domestic Workers. However, this regulation does not yet adequately accommodate the needs involved in protecting domestic workers. This regulation only regulates generally about the Domestic Worker Agencies, but it does not regulate Balai Latihan Kerja (Training Centers) as the centres responsible for training domestic workers. Additionally, there are no bodies/institutions which oversee and monitor the working relationship between the domestic workers and their employers. There are also no clear sanctions for either party in the instance they violate their employment agreement. Furthermore, there is no legal umbrella above this regulation as is mandated in Article 8 paragraph (1) of Act No.12/2011 regarding the Formulation of Laws.

### ***Right to Health (Article 12)***

#### *Ministry of Health Regulation No.6/2014 regarding Female Circumcision*

39. The practice of female genital mutilation (which in a number of communities across Indonesia is referred to as female circumcision) is still widespread across a number of regions in Indonesia. The government issued the Regulation regarding Female Circumcision

No.1636/MENKES/PER/XI/2010 on the 15 November 2010 which provided for the 'medicalization' of female circumcision. Komnas Perempuan appreciates that based on the recommendation of the CEDAW Committee( of which Komnas Perempuan was active in pushing for its implementation), the government retracted this regulation through the Ministry of Health Regulation No.6/2014 Article 1. The official position of the state clearly affirms that female circumcision has no medical benefit. However, Article 2 of this regulation gives the mandate to the Majelis Pertimbangan Kesehatan and Syara'(the Council for Health and Religious Consideration) to publish guidelines regarding the facilitation of 'female circumcision which guarantees the safety and health of the females who are circumcised and does not mutilate the genitals of the female'. This means that the Regulation from the Ministry of Health has not stopped the practice of female circumcision. Komnas Perempuan has also not yet observed an effort from the government to raise awareness in the circles of religious and community leaders that all forms of female circumcision/genital cutting are violations of women's human rights.

*Government Regulation No. 61/2014 regarding Reproductive Health*

40. Komnas Perempuan appreciates that the government has issued Government Regulation No.61/2014 regarding Reproductive Health which contains Article 2b, which is an exception for allowing abortions (which are generally illegal) in the situation of a medical emergency and for victims of rape. However, in technical terms this Regulation is difficult to be implemented because pregnancies may only be legally aborted before 40 days of pregnancy and not all rape victims are aware of their pregnancy in this time frame. Furthermore, Article 346 of the Indonesian Criminal Act(KUHP) criminalizes abortions totally and many law enforcement officials refer to this Criminal Act with the result that a doctor assisting with an abortion can be found criminally liable.

*Virginity testing within the police and military institutions*

41. In 2014, Human Rights Watch (HRW) reported that virginity testing continued to be practiced in Indonesia. This report was based on testimonies from female police recruits in 2008 in Makasar and 2014 in Bandung. Komnas Perempuan has questioned the Chief of

Police regarding this issue and the response was given that formally virginity test is no longer a requirement for the recruitment of female police. What continues to be a problem is that within the medical testing (which is an important requirement for recruitment), there is what is called a 'reproductive health test'. Within this test there is physical testing of the female reproductive organs. Even though this test is administered to both male and female candidates, the examination of the vagina remains associated with virginity testing. Because this reproductive health test is given a score which is not significant when compared to other elements of the medical examinations (e.g. heart, blood pressure, obesity etc), Komnas Perempuan recommends that the reproductive organ testing, or vaginal testing is eliminated and replaced with another form of testing (e.g. laboratory testing) which is not traumatic for female police candidates.

42. Until now there have been no concrete actions to cease the tradition of virginity testing for female police and military recruits. In the military a number of high ranking officers have affirmed the importance of the virginity test as a way of 'guarding the morality' of women in the military. Virginity testing is a form of gender based discrimination as it is not required for men. Virginity testing in the military is considered measuring a women's morality. Virginity testing is not only carried out on military recruits but also women who are to be married by members of the military. Aside from virginity testing, in a number of religious boarding schools women are required to undergo a pregnancy test and display the results of a testing kit, those who are pregnant may not enter the institute.

#### *High rate of maternal mortality*

43. The target of maternal mortality rate in Indonesia in 2015 in accordance with the Millennium Development Goals (MDGs) was 102 deaths per 100,000 births. Based on the Population Survey Between Censuses (SUPAS) 2015, the maternal mortality rate in Indonesia was 305 deaths per 100,000 births. Other than being far from the target, the figure demonstrates that the efforts of the government to increase the quantity and quality of services has not had a significant impact in reducing the rates of maternal mortality in Indonesia. In the formulation of the Strategic Plan for the Ministry for Protection of Children and Empowerment of Women 2010-2014 (Kementerian Pemberdayaan Perempuan dan

Perlindungan Anak, 2015). It was mentioned in this Strategic Plan that the maternal mortality rate was indeed a problem. This Ministry also has mission and vision statement that includes the vision of gender equality and the fulfillment of children's rights and the mission to increase prosperity and quality of life for women and children. However, the Ministry has set no strategies for reducing the maternal mortality rate. The available data suggests that only 10% of pregnant women can make decisions about their condition.

*The limited information regarding reproductive sexual health rights*

44. There are many regulations in place related to reproductive health at the national and regional levels which regulate providing information on reproductive health. A large amount of this information is allocated for teenagers. In the Policy and Strategic Direction document from the Family Planning and Population Development Department, the provision of information to teenagers regarding sexual and reproductive health is detailed. This focus in providing information to teenagers is well directed, however the information available for teenagers is not complete with information about contraception. Besides this, disseminating information regarding sexual health and reproductive rights in isolated areas is often overlooked or forgotten. Research regarding access for women and girls to information, especially for those living in remote areas is minimal. Besides from a lack of knowledge about how to access information, sources of information are also limited. Women in rural areas rely on the information provided by the government run integrated health clinics (*Posyandu*), where an information desk is set up for counseling. This clinic should be staffed by workers from the nearest community health center (*Puskesmas*). However the information desk is often empty, with clinic staff absent. The right to information is a key to the fulfillment of sexual and reproductive health rights. However, there has not been an observable effort to overcome the problem surrounding the lack of available information.

*Reproductive health services remain discriminatory towards certain groups*

45. Komnas Perempuan's documentation demonstrates that there is discrimination in the fulfillment of sexual reproductive health rights for women of various groups: a) Teenagers: Teenagers are one of the most vulnerable groups to unplanned pregnancies however

reproductive health services for unmarried women and teenagers are extremely hard to access. b) Women with disabilities<sup>viii</sup>: The barriers faced by this group include that services are hard to reach, social and cultural barriers exist because of stigmatization of disabled people and there is a lack of specific programs which target women and children with disabilities. c) Women with HIV-AIDS<sup>ix</sup>: The research carried out by the Alliance of Women with HIV-AIDS demonstrates that women with HIV often receive treatment which is discriminatory by health professionals because of their HIV status. Women with HIV face stigmatization because HIV is associated with free sex or frequently changing sex partners and there is often suspicion that women with HIV are sex workers. (4) Sex workers<sup>x</sup>: The world of prostitution is full of exploitation and sex workers are often faced with dangerous situations such as unsafe abortions and HIV infection. Research carried out by OPSi demonstrates that prostituted women's knowledge of sexual and reproductive health is very limited. Their access to services is also extremely limited for example accessing papsmear services (5) migrant workers<sup>xi</sup> and (6) women of diverse sexual orientations.<sup>xii</sup>: people of diverse sexual orientations are prevented from being able to access sexual reproductive health services because they face widespread discrimination in the community.

### ***Economic Situation of Women in Rural Areas (Article 14)***

*Papua: The lack of economic access for women and the exclusion of indigenous women from the process of transitioning and repossessing forested lands.*

46. Komnas Perempuan appreciates the initiative from the President Joko Widodo to prioritise the building of markets for indigenous women in Papua. However the economic infrastructure and facilities as well as economic capacity building for indigenous women from Papua, especially women traders who forge a livelihood from the markets (known as *mama mama pasar*) is not yet adequate. The results of monitoring carried out by Komnas Perempuan in Boven Digul, Merauke Regency, Sorong and Jayapura in 2013-2015 demonstrates that these women traders continue to fight for a marketplace of decent quality in a location which is accessible. A large number of these women currently trade under the heat of the sun without cover and are prone to forced evictions by the government. The government has provided a market, however the market was not placed in a strategic

location with the result that it is frequently empty of shoppers thus not feasible for trade. Monitoring carried out by Komnas perempuan in Manokwari in 2016 revealed that the government had built a market for women traders in the area. However the allocation of space within the market was not even. Some sellers received more than one stall for selling their goods, while some other women did not receive a stall at all.

47. Komnas Perempuan working alongside Komnas HAM in 2014 organized a National Inquiry related to the Rights of Indigenous Communities (*masyarakat adat*) to their Traditional Lands in Forested Regions demonstrated that indigenous women and indigenous communities in general in Indonesia experience multi-dimensional violations to their human rights. Women in Wamena are unsettled because the forest which represents the source of life for these women is increasingly shrinking with increases in logging meaning the trees are disappearing. The policies implemented by the state and the state management of indigenous cultures tend to be capitalistic (which regards humans as economic beings without seeing that humankind and the natural world are a single entity). The exploitation of natural resources makes it difficult for indigenous women in Papua to search for *sagu* (staple food) and forces them to buy rice which is difficult to find and expensive. This also changes the pattern of food consumption from organic, healthy, and quality food to instant and packaged food which is detrimental for their health. Conflict between indigenous communities is also spreading because of the lack of clarity with which the state manages and handles their traditional lands. Conflict with arriving migrants (from within Indonesia) has occurred because demographic policies that considered transmigration was the solution to creating dynamic areas in regions which had low populations. This has resulted in the oppression and depression of indigenous communities. The loss of forests has also diminished the traditional generational skills, knowledge and wisdom that Papuan women possess, for example in the making of medicine, weaving, dyeing and spinning fabrics and preparing traditional foods. The civil and political rights of indigenous communities are also violated. Indigenous community institutions are simplified even though within these institutions, there are policy, management, and 'executive, legislative, and judicative' departments and traditional security implementations that respect humanity. A number of indigenous communities also situate women as peace builder and actors in conflicts.

## ***Equality in the field of law (Article 15)***

### *Situation in Aceh after the enactment of Qanun Jinayat*

48. One year after the adoption of Qanun Aceh No.6/2014 regarding the Qanun Jinayat (Islamic Criminal Code), which amongst other things regulates sexual practices which are identical with LGBT groups through the article regarding *liwath* (sodomy), *musahaqah* (sexual activities between two or more women) and *ikhtilat* (men and women who are marriagable being together in one place) with the punishment of 100 times of canning. In November 2015, Komnas Perempuan received a formal complaint from the National LGBT Network, (a network consisting of 25 organizations that focuses on LGBT rights across Indonesia) regarding violence and discrimination experienced, especially by LGBT groups in Aceh.<sup>xiii</sup> Stigmatizing public statements have also been made by state institutions at the national<sup>xiv</sup> and regional levels,<sup>xv</sup> also circulated through the media.<sup>xvi</sup> In Response to this situation, Komnas Perempuan sent a letter to the Government of Aceh, The Regional Peoples Representative Council in Aceh, and the Ministry of Internal affairs to call for revoking Qanun No.6/2014 on Qanun Jinayat and Qanun No.7/2013 on the Legal Procedure of Jinayat. However, the Codes have not been revoked yet and until now continue be applied. Besides regulating punishments for sexual minority groups, Qanun Jinayat also rules on adultery, rape and accusations of adultery. This law increases the vulnerability of women who are not successful in proving their rape to being punished by caning for having committed adultery.<sup>xvii</sup>

### *Freedom of religion or belief*

49. Violence carried out under the name of religion, the rise of intolerance, the disturbance to freedom of religion, belief, thought and expression are increasingly worrying in Indonesia and compromising the very values of Indonesian society which have long been known as tolerance, friendliness, politeness and diversity. Violence and intolerant acts carried out by intolerant groups and the deprivation of the right to freely practice religion, beliefs and thoughts, has the potential to erode the foundations, constitution and the sovereignty of the Republic of Indonesia. Throughout 2016 attacks have been carried out against religious

groups including: Ahmadiyah, Shiite, Baha'I, GKI-Yasmi, HKBP Filadelfia and HKBP Cikeuting. Violent attacks have been carried out against churches, temples and other places of worship.<sup>xviii</sup>

50. Komnas Perempuan has monitored violence and intolerance in a number of regions across Indonesia<sup>xix</sup> and identified a number of forms of violence, intolerance and forced evictions which have resulted in violations of human rights. These are: a) violence, intolerance, forced evictions as well as destruction of places of worship based on religion or belief such as occurred to the Ahmadiyah, Shiite and Gafatar groups; b) forced evictions carried out in the name of public interest, urban planning and public order, this includes in the areas of Kalijodo, Jatigede, Kampung Pulo, Bukit Duri (and the plans for evictions in Luar Batang and Sunda Kelapa amongst others); c) intolerant actions and evictions carried out in the name of morality and against minority sexual orientations, such as the forced closure of a transgender Islamic boarding school in Yogyakarta and the evictions of transgender women in Aceh who also had their right to work revoked.

51. Based on the analysis of Komnas Perempuan, not all cases of violence, intolerance and forced evictions that are carried out in the name of religion and morality are ideologically based. Political and economic agendas are often involved and are sometimes the main factor behind these actions of intolerance. In the case of the eviction of the Gafatar, for instance, Komnas Perempuan has found that aside from the issue of their belief and their 'potential to oppose the state' which became the reasons behind evictions, were indications of economic concerns from investors, businesses and agricultural land owners. Gafatar was considered to be a threat against the tobacco industry, fertilizer factories, investors and mining corporations. Komnas Perempuan is concerned that the forced eviction of the Gafatar group was orchestrated by groups with political and capitalistic interests. Another case is the Shiite conflict in Sampang which resulted in deaths and hundreds of women and children to become displaced and homeless, according to the results of joint monitoring carried out by Komnas Perempuan, Komnas HAM and LPSK had complex and multi-dimensional causes where cultural, religious, economic, and political elements combined contributed to the outbreak of conflict. However the politicization of the religious issue dominated to the extent the complicated issues at play were ignored. Women as a vulnerable group feel most

the impacts of violence carried out for any reason, including violence carried out in the name of religion.

### ***Marriage and Family Relations (Article 16)***

#### *Judicial Review Act No. 1/1974 regarding Marriage*

52. Komnas Perempuan appreciates the initiative from several local governments to prevent child marriage through the 12 years compulsory schooling program which allows girls to finish high school. Komnas Perempuan regrets that the Constitutional Court has rejected the application for the Judicial Review on Act No. 1/1974 regarding Marriage. The application aimed to raise the legal marriage age for girls from 16 as it stands now to 18 and also eliminate the practice of providing dispensations to girls under the age of 16 to get married (as is allowed for by Article 7 Paragraph 2 of the law). Child marriage is a form of state denial of the vulnerability of children and a failure to protect the rights of children from all forms of discrimination. The legality of child marriage provided for by the state sits in direct opposition to the state's obligation to fulfill and respect human rights. Rights which are violated in the process of child marriage include social-political rights, the right to be free from violence, the right to education and the right to grow. When the right to education is violated it has a direct impact on the right to an adequate standard of living because women, who have completed low levels of education (because their right to education was ceased after becoming married) are not ready to compete in the labor market. Komnas Perempuan appreciates the dissenting opinion that was delivered by one of the judges in the Judicial Review, Maria Farida, who demonstrated her understanding of children's rights to grow and develop and the importance of physical and psychological maturity in marriage as well as the importance of avoiding maternal mortality caused by child marriage. Maria Farida also voiced her awareness that children are vulnerable to discrimination and violence. Komnas Perempuan through its Annual Notes documented that child marriage was a major cause of divorce with 498 cases in 2012; 827 cases in 2013; 353 cases in 2014 and 1,131 cases in 2015.

*Marriage registration rights for women followers of local beliefs and "unofficial religions"<sup>xxx</sup>*

53. Komnas Perempuan has documented discrimination and violence experienced by followers of minority religions and local beliefs, The discrimination experienced by these peoples includes difficulties in procuring personal identity documents since there is obligation to state ones religion in the identity card (KTP). This creates difficulties in acquiring other administrative documents such as birth certificates and marriage certificates. Act No. 24/2014 regarding Population Administration states that only 'official religions' are allowed to be noted on identification documents, minority religions (outside from the 6 (six) officially recognized religions) and local beliefs are not official religions that are acknowledged by the state and thus not attached to these documents. This causes discrimination based on religious beliefs to occur and causes physical and psychological and sexual violence to be experienced by followers of these minority beliefs.

#### *Unregistered marriages*

54. In 2012 unregistered marriages were increasingly engaged in by public officials.<sup>xxi</sup> In 2015, 71 cases of unregistered marriages were reported to Komnas Perempuan: 50 of the cases featured victims who confirmed that they had been married in a *nikah siri* and 18 cases featured victims who were married by way of a *nikah sirias* the second or third wives (of polygamous husbands). Women often agree to being married in a *nikah siri* because they are pregnant, under age or because they have been unable to obtain permission from the first wife (in a polygamous marriage) and thus cannot legally get married. Other reasons include that the husband is a public figure, economic factors and because permission was not given by parents to marry. Women who are married in a *nikah siri* as a second or third wife generally are not aware that their husband is already married or is still in the process of getting a divorce. From the 71 cases of unregistered marriage, 42 of the cases featured a polygamous husband. A number of the cases featured public figure such the Vice President of the Senate, the head of the General Election Commission in Yalimo, Papua and high ranking public servants. The difficulties for women surrounding *nikah siri* is that the state does not recognize or acknowledge these marriages as legal or official because of the absence of a marriage certificate and the absence of birth certificates for children born from these marriages. Other difficulties with these marriages include challenges surrounding economic

compensation in the case of a divorce and inheritance rights for children if their father dies. The divorce process is another challenge for women married by way of a *nikah siri*. 11 women reported to Komnas Perempuan their cases of being divorced according to religion (unregistered divorce). Women whose marriages are not registered are vulnerable to experiencing physical and emotional violence that include struggles with the first or second wives of a man in a polygamous marriage. Victims also often experience sexual violence such as being forced to have abortions and forced into having sex. In the middle of 2013 one man (ES) became the attention of the media because he had married 25 women. Until 2013 ES lived with eight of his wives under one roof. The marriages of ES were all unregistered marriages (*'nikah siri'*), which disadvantages women.

#### *The use of the Domestic Violence Act to criminalize women*

55. Act No.23/2004 regarding the Elimination of Domestic Violence should protect women and children as the people vulnerable to domestic violence. The Act, however, has been used to criminalize women victims of violence. Komnas Perempuan notes that 10 % of victims of domestic violence experience criminalization (14 cases of criminalization of victims of domestic violence through the Elimination of Domestic Violence Act have been reported to Komnas Perempuan between 2011-2015: three cases in 2011, 4 cases in 2012, 4 cases in 2013, 2 cases in 2014 and 1 case in 2015.) These reports occur when a man has sustained an injury or been killed whilst he was carrying out violence against his wife. Law enforcement officers in the application of the Domestic Violence Act are not yet acting in accordance with the guidelines of the application of the Act to carry out analysis of power imbalances between married couples which causes cycles of domestic violence<sup>xxii</sup>. This situations result in the victims feeling intimidated and a number of victims have withdrawn their complaints to police regarding domestic violence they have experienced because of a fear of criminalization.

### **C. Recommendations**

56. Komnas Perempuan recommends that the government immediately revoke the 421 policies which are discriminatory towards women. Komnas Perempuan also recommends that the government increase its commitment to harmonizing laws and policies at both the local and national level in order that they are brought into line with the constitution and international conventions that have been ratified. The continuing use of caning as a punishment in Aceh is in opposition to the Convention against Torture/CAT which has been ratified by Indonesia through the Act No/5/1998. Komnas Perempuan also recommends the ratification of international legal mechanisms which are related to freedom of religion and belief. Komnas Perempuan recommends that the government ensure the diversity and independence of cultures in Indonesia through ensuring that the RUU Protection of Diversity which is currently being discussed in parliament is passed so that followers of local beliefs and minority religions have their rights fulfilled. The government should encourage leaders from various tolerant, democratic and inclusive groups and sideline leaders of intolerant religious groups who have tendencies to use violence. The government should handle the victims of intolerance by specially paying attention to the vulnerability of women and children (in accordance with the Act. Regarding Handling of Social Conflict)
57. Komnas Perempuan recommends that the government revise Act No.24/2013 regarding Population Administration in order to fulfill the rights of the followers of religions and beliefs who are outside of the six official religions. This especially regards filling in the religion column on the identity cards for all beliefs and religions, remembering that the absence of a religion on identity cards breeds discrimination and stigmatization.
58. Komnas Perempuan recommends the government pay attention to fulfilling constitutional rights for sexual minority groups, especially the rights of transgender people to work and to attend school, also to carry out affirmative action for the fulfillment of these rights.
59. Komnas Perempuan recommends that the government carry out evaluation of the implementation of Act No.21/2007 regarding the Criminal Act of Human Trafficking. Even

though a Task Force has been formed it is not yet working in an optimal way. The development of a more efficient data recording and management system related to cases of human trafficking is needed as is more cooperation between states (that be utilized for the resolution of human trafficking cases, this cooperation should involve countries of origin, transit and destination (for victims and offenders) and involve protections for women victims of human trafficking that can be implemented through international cooperation. Accompaniment and assistance services (legal and medical) for victims of human trafficking should also be increased.

60. Komnas Perempuan recommends that the Indonesian Peoples Representative Council along with the government increase protections for migrants and their families: a) by improving the migration systems for migrants and their families. This should be done by revising Act No.39/2004 and ensure it includes policies about what countries are appropriate destinations for migrant workers; b) ratify ILO 189 convention on decent work for migrant workers and creates legislation for the protection of domestic workers; c) remove the death penalty from all legislation (including the Indonesian Criminal Code, Terrorist Act, and Anti Drug laws) and enact a temporary moratorium on the death penalty.

61. Komnas Perempuan recommends: a) the development of a Memorandum of Understanding with the countries that receive migrant workers which includes clauses related to the protection of migrant workers. This needs to involve complaint mechanisms in the event of problems occurring between the employer and migrant worker, data management systems regarding migrant workers, where they work, who their employers are and mechanisms for the relocation and repatriation of migrant workers; b) the police, National Narcotics Body, Attorney General and the Supreme Court of Indonesia create mechanisms to comprehensively handle law enforcement related to migrant workers and drug trafficking and formulate joint standard operating procedures to protect women migrant workers that are trapped in drug trafficking syndicates, human trafficking and other criminal actions; c) carefully pay attention to advice from civil society organizations and involve women migrant workers in all decision making. The government needs to provide comprehensive services at every stage of migration for women migrant workers (including providing a competent

lawyer should a legal matter arise); d) Provide support to migrant workers and their families that are facing the death penalty.

62. Komnas Perempuan recommends that the government ensure the fulfillment of Papuan women by ceasing impunity for offenders of all forms of violence against women in the context of conflict or other forms of gender based violence.
63. Komnas Perempuan encourages the facilitation of recovery for victims of violence. Komnas Perempuan also recommends that the government strengthen the political and economic rights of Papuan women (including the building of markets and fair distribution of stalls in strategic locations as well as facilitating a system of managing the market which allows the women to be able to be competitive in the wider market).
64. Komnas Perempuan recommends the building of a clear mechanism for the prevention of gender based violence carried out by law enforcement officers. Komnas Perempuan also recommends the immediate formation of a team to create a mechanism and Standard Operational Procedures for the prevention of gender based violence and procedures for the handling of cases of gender based violence carried out by law enforcement officers.
65. Komnas Perempuan recommends that the state quickly and voluntarily make itself available to be reviewed in their implementation of UNSCR 1325 especially because Indonesia has the National Action Plan for the Protection and Empowerment of Women and Children in Social Conflicts.
66. Komnas Perempuan recommends that in the determining of custodial rights for children whose parents are of mixed nationalities, law enforcement considers the vulnerability of women, especially wives who have experienced domestic violence.
67. Komnas Perempuan recommends the Ministry of Law and Security to without delay form a team for 'gender integration' in the security sector as an important part of the development

and reformation of the security sector; also to immediately eliminate the practice of virginity testing and all unnecessary testing related to sexual organs for female police and military recruits.

68. Komnas Perempuan recommends that the government provides training regarding comprehensive sexual reproductive health training to all levels of education including groups of teenagers and those who live in remote areas. Komnas Perempuan also recommends the government provide reproductive health services to all layers of society without discriminating based on marriage status, sexual orientation, or economic/social class.
69. Komnas Perempuan also recommends that the government give support to the representatives in the AICHR and ACWC, both activities and operational support to optimise their roles in carrying out their mandates and works.
70. Komnas Perempuan recommends the government, the House of Representatives (DPR) and the Regional Representatives Council (DPD) to prioritize the discussion and passing of the Elimination of Sexual Violence Bill in 2017 remembering the increase in cases of sexual violence in multiple forms (such as sexual harassment, sexual exploitation, forced contraception, rape, forced abortion, forced prostitution, sexual slavery and forced marriage) and that the current law does not accommodate the handling of these cases. This bill does not only regulate punishments for offenders but also provides for the comprehensive handling of cases and recovery of victims.
71. Komnas Perempuan recommends that the Peoples Representative Council and the government ensure that the Protection of Domestic Workers Bill is entered into the National Legislation Program 2015-2019 and also that the government ratifies Convention ILO 189 regarding Decent Work as a standard regulation.
72. Komnas Perempuan recommends that the government carry out revision of the Government Regulation No.61/2014 regarding Reproductive health, especially article 2b

which allows abortions (which is normally outlawed) in medical emergencies and cases of rape, so that the regulation is easier to be implemented which will result in rape victims being able to access safe abortions.

73. In accordance with the recommendations from the previous CEDAW Committee, that the government of Indonesia should make strong regulations regarding the elimination of the practice of female circumcision. Komnas Perempuan recommends that Minister of Health Regulation No.6/2014 Article 2 is eliminated so that there is no longer a legitimization of female circumcision.
74. Komnas Perempuan encourages the government, especially the Ministry of Women's Empowerment and Child Protection, Ministry of Health and the Ministry of Religion implement the recommendation from the CEDAW Committee related to women in marriages and to do this by setting a clear time target to push for amendment to the Act No.1/1974 regarding Marriage. It is recommended that the amendments include: a) setting the minimum age of marriage at 18 years, b) eliminate the provision of polygamy within the law; c) eliminate the standardized roles of women and men; d) protect inter faith marriages; e) ensure that inheritance rights are the same for both males and females.
75. Komnas Perempuan encourages the government to always act firmly towards public officials who carry out legal violations by not registering their marriages or committing offences including having more than one wife. Komnas Perempuan also encourages all elements of the government and society to enforce the law and ensure the protection for women and children and ensure that all marriages are registered.
76. Komnas Perempuan recommends the government ensures that all women from 17 years up receive identification cards (KTP) so they can utilize their right to vote in local and national elections. Komnas Perempuan also recommends that the local government along with the Papuan Board of Culture reconsider the application and use of the Noken voting system so that it does not disadvantage women.
77. Komnas perempuan recommends various parties, especially political parties, to seriously

push for increased women's representation in parliament, both at the national and regional levels; political parties to become serious in the nomination of women to becoming members of the legislature so that at the least the quota of 30% women in parliament is reached. Sanctions need to be considered for parties who do not fulfill this quota.

78. Komnas Perempuan recommends that wider opportunities and access are given to indigenous women to participate in the management, and transitioning of the function of traditional lands and forests (participation within the community and government). For indigenous communities the land represents their source of life and transitioning of land that is not carried out properly contributes to the impoverishment of these groups.
79. Komnas Perempuan recommends that there needs to be an increase in coordination between the Indonesian government, international institutes and local institutes who handle refugees to ensure that: a) the handling of the Rohingya does not cause social jealousy in communities; b) participation and involvement from the refugees themselves is ensured; c) creating a space for women refugees to carry out activities together; d) prevent the occurrence of sexual violence against women refugees and protect women from human trafficking; e) ensure that aid is distributed efficiently; f) ensure there is psychological assistance available for the women and children refugees and carry out interventions in the cases women refugees are suspected to have experienced rape and sexual violence (during the journey or before fleeing); g) increase the amount of translators or increase Bahasa Indonesia training for the refugees to make communication easier and ensure the successful handling of the crisis.
80. Komnas Perempuan recommends an increase in the number of women only jails and remand centers that have sufficient capacities and that all staff are trained in gender awareness and gender sensitivity.
81. Komnas Perempuan recommends the state to prevent and handle violence against women in Papua (violence in the domestic, public and state spheres), stop the impunity for offenders in the context of conflict and past human rights violations and prioritize and fulfill the rights of

women to recovery.

82. Komnas Perempuan recommends the government to develop and implement a development strategy which is friendly to women's human rights, does not exploit natural resources, cause the degradation of the environment, marginalize indigenous peoples and that the government does not carry out forced evictions (in the name of religion, urban planning, or economic/political interests).
  
83. Komnas Perempuan recommends that the state must be diligence in its granting of licences to corporations and ensure that exploitation of natural resources does not occur. Also the state prevents the building of cement factories which will act to destroy the environment surrounding the Karts mountains, especially in the Kendeng region of Central Java.
  
84. Komnas Perempuan recommends that the government provides increased support for Komnas Perempuan as a reflection of the seriousness of the state in handling violence against women and its commitment to human rights. This support includes the legal recognition of Komnas Perempuan as an independent national human rights institution with stronger legal status, administrative authority and providing adequate financial and human resources support. Komnas Perempuan also recommends the government acknowledges and protects the rights of Komnas Perempuan as women's human rights defender.

## **D.References**

Ditjenpas. 2011. Sistem Database Pemasarakatan, [smslap.ditjenpas.go.id](http://smslap.ditjenpas.go.id), diakses 4 Januari 2013.

Hartini, Widhi. 2003. Hubungan Tingkat Pengetahuan Remaja Putri Tentang resiko Abortus Dengan Pengambilan Keputusan Untuk Aborsi Di Yogyakarta. Yogyakarta: Perkumpulan Keluarga Berencana Indonesia.

Hayati, Elli Nur; M. Saeroni; Triantono; Indiah Wahyu Andari; Defirentia One. 2014. Laporan Penelitian: Kekerasan Seksual Pada Perempuan Usia Anak Dan Remaja Di Kabupaten Gunungkidul D.I Yogyakarta. Yogyakarta:Rifka Annisa.

Ikatan Perempuan Positif Indonesia. 2014. Studi Kualitatif dan Pendokumentasian: Kasus Kekerasan terhadap Perempuan dengan HIV-AIDS di 8 Provinsi (DKI Jakarta, Banten, Jawa Barat, Sumatera Utara, DIY, Jawa Timur dan NTB). Jakarta: IPPI.

Kemendagri. 2016. Kemendagri Resmi Umumkan 3.143 Perda Yang Dibatalkan, <http://setkab.go.id/kemendagri-resmi-umumkan-3-143-perda-yang-dibatalkan>, diakses 2 Desember 2016.

Kementerian Kesehatan Republik Indonesia. 2015. Kampanye Peduli Kesehatan Ibu: Upaya Percepatan Penurunan Angka Kematian Ibu (fact sheet). Direktorat Bina Kesehatan Ibu Ditjen Bina Gizi dan Kesehatan Ibu dan Anak, Kementerian Kesehatan RI.

Kementerian Pemberdayaan Perempuan dan Perlindungan Anak. 2015. Rencana Strategis Kementerian Pemberdayaan Perempuan dan Perlindungan anak 2010 – 2014.

Komnas Perempuan. 2015a. Kajian Lapangan di Kabupaten Bandung dan Kota Yogyakarta. Jakarta: Komnas Perempuan.

Komnas Perempuan. 2015b. Temuan kajian SRHR lapangan Komnas Perempuan di Kota Balikpapan. Jakarta: Komnas Perempuan.

Komnas Perempuan. 2015c. Human rights violations in the management of forest areas – Report by Komnas Perempuan for Komnas HAM's national inquiry regarding the rights of indigenous tribes to their traditional lands.

Organisasi Perubahan Sosial Indonesia. 2015. Hak Kesehatan Seksual dan Reproduksi Pekerja Seks: Presentasi *dalam* Workshop Persiapan Pengembangan Policy Brief SRHR. Jakarta: Komnas Perempuan.

Rostiawati, Justina, et al (penyelarasan akhir). 2014. Prosiding Pemetaan Kekerasan terhadap Perempuan di Pekerja Migran. Jakarta: Komnas Perempuan.

Sentra Advokasi Perempuan, Difabel, dan Anak. 2014. Baseline Survey Pemahaman Hak atas Kesehatan Reproduksi bagi Remaja dengan Disabilitas di Indonesia (Kota Yogyakarta, Kabupaten Klaten, kota Banda Aceh, Kota Malang dan Kota Kupang). Yogyakarta: SAPDA.

Tim SRHR Komnas Perempuan. 2016. Kajian Lapangan Pengembangan Policy Brief SRHR. Komnas Perempuan. Jakarta

Komnas Perempuan 2015. Persoalan Hak-Hak Seksual dan Kesehatan Reproduksi pada Pekerja Migran Indonesia: Presentasi *GK PM dalam* Workshop Persiapan Pengembangan Policy Brief SRHR. Jakarta: Komnas Perempuan.

## **E.Attachments**

### ***Policies conducive to the fulfilment of women's rights 2012-2016: 57 policies***

#### **National level:**

1. Law number 6/2012 on ratification of International Convention on Protection of the Rights of all Migrant Workers and Members of their Families (Undang-Undang Nomor 6 Tahun 2012 Tentang Pengesahan International Convention On The Protection Of The Rights Of All Migrant Workers And Members Of Their Families [Konvensi Internasional Mengenai Perlindungan Hak-Hak Seluruh Pekerja Migran Dan Anggota Keluarganya])
2. Law number 9/2012 on ratification of Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (UU Nomor 9 Tahun 2012 tentang Pengesahan Optional Protocol To The Convention On The Rights Of The Child On The Involvement Of Children In Armed Conflict [Protokol Opsional Konvensi Hak-Hak Anak Mengenai Keterlibatan Anak Dalam Konflik Bersenjata])
3. Presidential regulation number 61/2014 on Reproductive Health (Peraturan Presiden Nomor 61 Tahun 2014 tentang Kesehatan Reproduksi)
4. Presidential regulation number 18/2014 on the Protection and Empowerment of Women and Children in Social Conflict (Peraturan Presiden Republik Indonesia Nomor 18 tahun 2014 tentang Perlindungan dan Pemberdayaan Perempuan dan Anak dalam Konflik Sosial)

#### **Regional Level:**

1. Decree number 45/KPTS/2012 of Gunung Kidul's Regent on Integrated Service Centers on Women's and Children's Empowerment Network in Gunung Kidul Regency (Surat Keputusan Bupati Gunungkidul Nomor 45/ KPTS/ 2012 tentang Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak Berjejaring (P2TP2A) Berjejaring Kabupaten Gunung Kidul)

2. Decree number 84/10/II/2012 of Gorontalo's Regent on the Establishment of Board of Integrated Service Center on Women's and Children's Empowerment in Gorontalo regency (Keputusan Bupati Gorontalo Nomor 84/ 10/ II/ 2012 tentang Pembentukan Pengurus Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak (P2TP2A) Kabupaten Gorontalo)
3. Decree number 1/HK/2012 of Belu's Regent on Establishment of Advocacy team for Women and Children Victims of Violence and Appointment of Organizer of Shelters in Belu Regency in 2012 (Keputusan Bupati Belu Nomor 1/HK/2012 Tentang Pembentukan Tim Pendamping Korban Kekerasan Terhadap Perempuan dan Anak dan Penunjukkan Pengelola Rumah Aman (Shelter) Kabupaten Belu Tahun 2012)
4. Decree number 34/2012 of Sambas' Regent on the Establishment of Integrated Service Center for Women's and Children's Empowerment in Sambas Regency (Keputusan Bupati Sambas Nomor 34 Tahun 2012 Tentang Pembentukan Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak Kabupaten Sambas)
5. Decree number 257/2012 of Batanghari Regent on the Establishment of a Central Team on Women's and Children's Services in Batanghari Regent for 2012 fiscal year (Keputusan Bupati Batanghari Nomor 257 Tahun 2012 Tentang Pembentukan Tim Pusat Pelayanan Perempuan dan Anak Kabupaten Batanghari Tahun Anggaran 2012)
6. Circular number 188/12/Kum/2012 of Dompu Regent on the Rights of Girls' Victims of Violence (Surat Edaran Bupati Dompu Nomor 188/12/Kum/2012 tentang Hak Anak Perempuan korban Kekerasan)
7. By law number 16/2012 of East Java Province on the Provision of Protection for Women and Children Victims of Violence (Peraturan Daerah Provinsi Jawa Timur No.16 Tahun 2012 tentang Penyelenggaraan Perlindungan Perempuan dan Anak Korban Kekerasan)
8. By law number 16/2013 of Kuningan Regency on Gender Mainstreaming in Development (Peraturan Daerah Kabupaten Kuningan No.16 Tahun 2013 tentang Pengarusutamaan Gender dalam Pembangunan)

9. By law number 16/2013 of Bintang Regency on Gender Mainstreaming in Development (Peraturan Daerah Kabupaten Bintang No.16 Tahun 2013 tentang Pengarusutamaan Gender dalam Pembangunan)
10. By law number 04/2013 of Jemberana Regency on Prevention and Handling of Human Trafficking Victims (Peraturan Daerah Kabupaten Jemberana No.04 Tahun 2013 tentang Pencegahan dan Penanganan Korban Perdagangan Orang)
11. By law number 09/2013 of East Lombok Regency on Protection of Human Trafficking and Violence (Peraturan Daerah Kabupaten Lombok Timur No.09 Tahun 2013 tentang Perlindungan Perdagangan Orang dan Tindak Kekerasan)
12. By law number 12/2012 of Sikka Regency on Provision for Women's Protection and and Victims' of Violence (Peraturan Daerah Kabupaten Sikka No.12 Tahun 2012 tentang Penyelenggaraan Perlindungan Perempuan dan Korban Kekerasan)
13. By law number 04/2012 of Mataram Municipality on Provision for Protection of Women and Children from Violence (Peraturan Daerah Kota Mataram No. 04 Tahun 2012 tentang Penyelenggaraan Perlindungan Perempuan dan anak dari Tindak Kekerasan)
14. By law number 7/2011 of Bulungan Regency on Gender Mainstreaming in Development (Peraturan Daerah Kabupaten Bulungan No 7 Tahun 2011 tentang Pengarusutamaan Gender dalam Pembangunan)
15. By law number 16/2013 of Kotabaru Regency on Gender Mainstreaming in Development (Peraturan Daerah Kabupaten Kotabaru No 16 Tahun 2013 tentang Pengarus Utama Gender dalam Pembangunan)
16. By law number 02/2012 of Maluku Province on Provision for Protection of Women Victims of Violence (Peraturan Daerah Provinsi Maluku No 02 Tahun 2012 tentang Penyelenggaraan Perlindungan Perempuan korban Kekerasan)
17. By law number 11/2013 of West Papua Province on Provision for Protection of Women and Children from Violence (Peraturan Daerah Provinsi Papua Barat No 11 Tahun 2013 tentang Penyelenggaraan Perlindungan Perempuan dan anak dari Kekerasan)

18. By law number 08/2013 of Papua Province on Protection of Domestic Violence Victims (Peraturan Daerah Provinsi Papua No 08 Tahun 2013 tentang Perlindungan Korban Kekerasan Dalam Rumah Tangga)
19. By law number 6/2014 of West Sulawesi Province on Protection of Women (Peraturan Daerah Provinsi Sulawesi Barat Nomor 6 Tahun 2014 Tentang Perlindungan Perempuan)
20. By law number 9/2014 of Banten Province on Protection of Women and Children from Violence (Peraturan Daerah Provinsi Banten Nomor 9 Tahun 2014 Tentang Perlindungan Perempuan Dan Anak Terhadap tindak kekerasan)
21. Governor regulation number 39/2014 of West Nusa Tenggara Province on Technical Guidance on Gender Mainstreaming in West Nusa Tenggara Province (Peraturan Gubernur Nusa Tenggara Barat Nomor 39 Tahun 2014 Tentang Panduan Teknis Pengarusutamaan Gender Di Provinsi Nusa Tenggara Barat)
22. Decree of Karangasem Regent number 19/HK/2015 on the Establishment of Board of Integrated Service Centre on Women's and Children's Empowerment in Karangasem Regency in 2015 (Keputusan Bupati Karangasem Nomor 19/HK/2015 Tentang Pembentukan Pengurus Pusat Pelayanan Terpadu Pemberdayaan Perempuan Dan Anak Kabupaten Karang Asem Tahun 2015)
23. Decree of Bantul Regent number 67/2015 on the Appointment of Technical Implementor of Integrated Service Centre for Women and Children Victims of Violence of Bantul Regency "Arum Dalu" (Keputusan Bupati Bantul Nomor 67 Tahun 2015 Tentang Penunjukan Pelaksana Teknis Pusat Pelayanan Terpadu (PPT) Korban Kekerasan Perempuan Dan Anak Kabupaten Bantul "Arum Dalu")
24. By law number 4/2014 of Denpasar Municipality on Protection of Women and Children Victims of Violence (Peraturan Daerah Kota Denpasar Nomor 4 Tahun 2014 Tentang Perlindungan Perempuan Dan Anak Korban Kekerasan)
25. By law number 8/2015 of Banjarnegara Regency on the Amandemen of by law number 1/2014 on Gender Responsive Strategy in Regional Development (Peraturan Daerah Kabupaten Banjarnegara Nomor 8 Tahun 2015 Tentang Perubahan Atas Peraturan Daerah Kabupaten Banjarnegara Nomor 1 Tahun 2014 Tentang Strategi Pembangunan Daerah Responsif Gender)

26. By law number 7/2015 of Kulon Progo Regency on Protection for Women and Children Victims of Violence (Peraturan Daerah Kabupaten Kulon Progo Nomor 7 Tahun 2015 Tentang Perlindungan Perempuan Dan Anak Korban Kekerasan)
27. Instruction of Bojonegoro Regent number 2/2015 on National Movement of Sexual Crime against Children in Educational Institutions in Bojonegoro Regency (Instruksi Bupati Bojonegoro Nomor 2 tahun 2015 Tentang Gerakan Nasional Anti Kejahatan Seksual Terhadap Anak di Lingkungan Satuan Pendidikan Di Kabupaten Bojonegoro)
28. Decree of Bojonegoro Regent number 188/224/Kep/412.11/2015 on Working Group for Gender Mainstreaming in Bojonegoro Regency (Keputusan Bupati Bojonegoro Nomor: 188/224/Kep/412.11/2015 Tentang kelompok Kerja Pengarusutamaan Gender Kabupaten Bojonegoro)
29. By law number 5/2014 of North Paser Regency on Protection for Women and Children (Peraturan Daerah Kabupaten Penajam Paser Utara Nomor 5 Tahun 2014 Tentang Perlindungan Perempuan Dan Anak)
30. Regulation number 48/2014 of Bantul Regent on Establishment of Organization and Work Rules of Integrated Service Centre for Women and Children Victims of Violence "Arum Dalu" (Peraturan Bupati Bantul Nomor 48 Tahun 2014 Tentang Pembentukan, Organisasi Dan Tata Kerja Pusat Pelayanan Terpadu (PPT) Korban Kekerasan Perempuan Dan Anak "Arum Dalu")
31. Regulation number 24.9/2014 of Sleman Regent on Establishment of Integrated Service Centre for Women's and Children's Protection (Peraturan Bupati Sleman Nomor 24.9 Tahun 2014 Tentang Pembentukan Pusat Pelayanan Terpadu Perlindungan Perempuan Dan Anak)
32. Regulation number 18/2014 of Sleman Regent on Guidance of Implementation of Gender Analysis (Peraturan Bupati Sleman Nomor 18 Tahun 2014 Tentang Pedoman Pelaksanaan Analisis Gender)
33. Regulation number 18.1/2014 of Sleman Regent on Guidance of Provision of Gender and Children's Data (Peraturan Bupati Sleman Nomor 18.1 Tahun 2014 Tentang Pedoman Penyelenggaraan Data Gender Dan Anak)

34. By law number 16/2014 of Bulukumba Regency on Gender Mainstreaming (Peraturan Daerah Kabupaten Bulukumba Nomor 16 Tahun 2014 Tentang Pengarusutamaan Gender)
35. By law number 3/2015 of West Lombok Regency on General Guidance on Implementation of Gender Mainstreaming in Development (Peraturan Daerah Kabupaten Lombok Barat Nomor 3 Tahun 2015 Tentang Pedoman Umum Pelaksanaan Pengarusutamaan Gender Dalam Pembangunan)
36. By law number 09/2004 of Central Sulawesi Province on Gender Mainstreaming in Regional Development (Peraturan Daerah Provinsi Sulawesi Tengah Nomor 09 Tahun 2014 Tentang Pengarusutamaan Gender Dalam Pembangunan Daerah)
37. Regulation number 116/2014 of Governor of Yogyakarta on Guidance of Gender Responsive Planning and Budgeting (Peraturan Gubernur Daerah Istimewa Yogyakarta Nomor 116 Tahun 2014 Tentang Pedoman Perencanaan Dan Penganggaran Responsif Gender)
38. Regulation number 63/2014 of Governor of West Java on Minimum Standard of Integrated Services for Women and Children Victims of Human Trafficking (Peraturan Gubernur Jawa Barat Nomor 63 Tahun 2014 Tentang Standar Pelayanan Minimal Bidang Layanan Terpadu Bagi Korban Perdagangan Orang Dan Kekerasan Perempuan dan Anak)
39. Regulation number 11/2015 of Governor of Bengkulu on Guidance of Provision and Management of Gender's and Children's Data of Bengkulu Province (Peraturan Gubernur Bengkulu Nomor 11 Tahun 2015 Tentang Pedoman Penyelenggaraan Pengelolaan Data Gender Dan Anak Provinsi Bengkulu)
40. Regulation number 27/2014 of Mayor of South Tangerang on Implementation of by law number 3/2012 on Protection of Women and Children Victims of Violence (Peraturan Walikota Tangerang Selatan Nomor 27 Tahun 2014 Tentang Pelaksanaan Peraturan Daerah Nomor 3 Tahun 2012 Tentang Perlindungan Perempuan Dan Anak Korban Kekerasan)
41. By law number 4/2014 of Central Kalimantan Province on Gender Mainstreaming in Regional Development in Central Kalimantan Province (Peraturan Daerah Provinsi Kalimantan Tengah Nomor 4 Tahun 2014 Tentang Pengarusutamaan Gender Dalam Pembangunan Daerah Di Provinsi Kalimantan Tengah)

42. Regulation number 36/2015 of Gunung Kidul Regent on Prevention of Child Marriage (Peraturan Bupati Gunungkidul Nomor 36 Tahun 2015 Tentang Pencegahan Perkawinan Pada Usia Anak)
43. By law number 1/2016 of South Sulawesi Province on Gender Mainstreaming in Regional Development (Peraturan Daerah Provinsi Sulawesi Selatan Nomor 1 Tahun 2016 Tentang Pengarusutamaan Gender Dalam Pembangunan Daerah)
44. By law number 1/2016 of Gorontalo Province on Protection for Women and Children from Violence (Peraturan Daerah Provinsi Gorontalo Nomor 1 Tahun 2016 Tentang Perlindungan Perempuan dan Anak Dari Tindak Kekerasan)
45. By law number 6/2016 of Paser Regency on Protection of Women from Violence (Peraturan Daerah Kabupaten Paser Nomor 6 Tahun 2016 Tentang Perlindungan Perempuan Terhadap Tindak Kekerasan)
46. By law number 2/2016 of East Kalimantan Province on Gender Mainstreaming in Regional Development (Peraturan Daerah Provinsi Kalimantan Timur Nomor 2 Tahun 2016 Tentang Pengarusutamaan Gender Dalam Pembangunan Daerah)
47. By law number 1/2016 of West Nusa Tenggara Province on Protection of Indonesian Migrant Workers (Peraturan Daerah Provinsi Nusa Tenggara Barat Nomor 1 Tahun 2016 Tentang Perlindungan Tenaga Kerja Indonesia)
48. By law number 2/2016 of East Kalimantan Province on Gender Mainstreaming in Regional Development (Peraturan Daerah Provinsi Kalimantan Timur Nomor 2 Tahun 2016 Tentang Pengarusutamaan Gender Dalam Pembangunan Daerah)
49. By law number 1/2016 of South Sulawesi Province on Gender Mainstreaming in Regional Development (Peraturan Daerah Provinsi Sulawesi Selatan Nomor 1 Tahun 2016 Tentang Pengarusutamaan Gender Dalam Pembangunan Daerah)
50. By law number 1/2016 of Gorontalo Province on Protection of Women and Children from Violence (Peraturan Daerah Provinsi Gorontalo Nomor 1 Tahun 2016 Tentang Perlindungan Perempuan Dan Anak Dari Tindak Kekerasan)

51. Decree of Palembang Mayor number 123/KPTS/XI/2016 on Establishment of Committee for Women's Capacity Improvement (Keputusan Walikota Palembang Nomor 123/KPTS/XI/2016 Tentang Pembentukan Panitia Pelaksana Peningkatan Kapasitas Kewanitaan)

52. Decree of Palembang Mayor number 222/KPTS/BKB-PP/2016 on Establishment of Working Group of Gender Mainstreaming (Keputusan Walikota Palembang Nomor 222/KPTS/BKB-PP/2016 Tentang Pembentukan Kelompok Kerja Pengarusutamaan Gender)

53. By law number 6/2016 of Paser Regency on Protection of Women from Violence (Peraturan Daerah Kabupaten Paser Nomor 6 Tahun 2016 Tentang Perlindungan Perempuan Terhadap Tindak Kekerasan).

## **Discriminatory Policies 2012-2016: 73 Policies**

### **National level:**

1. Ministry of Health Regulation No. 6/2014 regarding the Revocation of Ministry of Health Regulation No. 1636/MENKES/PER/XII/2010 regarding Female Circumcision (*Peraturan Menteri Kesehatan Republik Indonesia Nomor 6 Tahun 2014 tentang Pencabutan Peraturan Menteri Kesehatan Nomor 1636/MENKES/PER/XII/2010 tentang Sunat Perempuan*)
2. Law No.24/2013 regarding Amendment to Law no.23/2006 regarding Population Administration (*Undang-Undang RI Nomor 24 Tahun 2013 tentang Perubahan atas Undang-Undang Nomor 23 Tahun 2006 Perubahan Atas Undang-Undang Nomor 23 Tahun 2006 tentang Administrasi Kependudukan*)

### **Regional level:**

1. Regulation of the Regent of Purwakarta No.70/2015 regarding 'Village of Culture' (*Peraturan Bupati Purwakarta Nomor 70.a tahun 2015 tentang Desa berbudaya*)
2. Mayor of Banda Aceh Circular No.061.2/0941 23 June 2014 regarding Regulation of Working Hours during Ramadan (*Surat Edaran Walikota Banda Aceh Nomor: 061.2/0941 tertanggal 23 Juni 2014 tentang penetapan jam kerja pada bulan Ramadan tahun 1435H /2014 M.*)
3. Regional Regulation of Kerinci No. 18/2012 regarding the Eradication of Social Sickness (*Peraturan Daerah Kabupaten kerinci Nomor 18 Tahun 2012 tentang Pemberantasan Penyakit Masyarakat*)
4. Mayor of Bengkulu Instruction regarding Requirement for Civil Servants to Wear Muslim attire during the Month of Ramadan. (*Intruksi Walikota Bengkulu tentang PNS wajib busana muslimah pada saat bulan ramadhan*)
5. Regional Regulation of Bengkulu No./2014 regarding Muslim Attire for Civil Servants and Students (*Peraturan Daerah Kota Bengkulu No....() Tahun 2014 tentang Busana Muslim dan Muslimah bagi PNS dan Pelajar*)
6. Regional Regulation of Indramayu No. 12/2012 regarding the Compulsory study of the Madrasah Diniyah Takmiliah (*Peraturan Daerah Kabupaten Indramayu No. 12 Tahun 2012 tentang Wajib Belajar Madrasah Diniyah Takmiliah*)

7. Regent of Gresik Circular No. : 451/181/137.13/2014 within this circular is a article which requires staff at shopping malls to wear Muslim attire during the month of Ramadan(*Surat Edaran Bupati Gresik Nomor : 451/181/137.13/2014 himbauan Bulan Ramadhan. Dalam edaran tersebut ada salah satu pasal yaitu, menghimbau agar Pramuniaga mall harus mengenakan baju muslim selama bulan Ramadhan*).
8. Official Advice from the Regent of Agam 2014 regarding the Requirement for civil servants to wear muslim attire during the month of Ramadan(*Himbauan Bupati Kabupaten Agam Tahun 2014 tentang Kewajiban Busana muslim bagi PNS pada saat bulan ramadhan*)
10. Mayor of Pagaram's Instruction regarding the Requirement for civil servants to wear Muslim attire during the month of Ramadan(*Intruksi Walikota Pagaram tentang PNS wajib busana muslimah pada saat bulan ramadhan*)
11. Mayor of Bengkulu's Instruction regarding the Requirement for civil servants to wear Muslim attire during the month of Ramadan(*Intruksi Walikota Bengkulu tentang PNS wajib busana muslimah pada saat bulan ramadhan*)
12. Official Advice from the Regent of Banyuwangi 2014 regarding the Requirement for civil servants to wear Muslim attire during the month of Ramadan(*Himbauan Bupati Banyuwangi tentang kewajiban busana muslimah bagi PNS kab Banyuwangi selama bulan ramadhan tahun 2014*)
14. Qanun No. 6/2014 regarding Jinayat Law(*Qanun No. 6 Tahun 2014 tentang Hukum Jinayat*)
15. Qanun No. 7/2013 regarding Procedural Law of Jinayat(*Qanun Nomor 7 Tahun 2013 tentang Hukum Acara Jinayat*)
16. Mayoral Regulation No. 15 /2014 regarding Respecting the Holy Month of Ramadan 1435. (the Requirement for civil servants to wear Muslim attire during the month of Ramadan)( *Peraturan Wali Kota (Perwali) Nomor 15 Tahun 2014 tentang Menyambut dan Menghormati Bulan Suci Ramadhan 1435 Hijriah. (tentang kewajiban memakai busana musliman bagi PNS pada bulan ramadhan)*)
18. Regent of Bireun Decision No. 123/2012 regarding the Formulation of an Integrated Sweeping Team for the Coordination of the Securing, Monitoring and implementation of Sharia Law in Bireun Regency (*Keputusan Bupati Bireun Nomor 123 Tahun 2012 Tanggal 16 April 2012 tentang Pembentukan Tim Razia Simpati Terpadu Kegiatan Koordinasi Pengamanan dan Pengawasan Pelaksanaan Syariat Islam di Kabupaten Bireuen*)
20. Governor of Bengkulu Regulation No. 33/2011 Regarding Curriculum Containing Al-Quranic Reading with the Iqra' method at the level of Primary Schools/Madrasah Ibtidaiyah and Special Primary Schools(*Peraturan Gubernur Bengkulu Nomor 33 Tahun 2011 Tentang Kurikulum Muatan*

*Lokal Membaca Al Qur'an dengan Metode Iqra' Tingkat Satuan Pendidikan Sekolah Dasar/Madrasah Ibtidaiyah dan Sekolah Dasar Luar Biasa Provinsi Bengkulu)*

21. Regional Regulation of Tasikmalaya City No. 10/2012 regarding Pendidikan Islamic Religious Education in Tasikmalaya Region (*Peraturan Daerah Kota Tasikmalaya Nomor 10 Tahun 2012 tentang Pendidikan Keagamaan Islam di Kabupaten Tasikmalaya*)

22. Regional Regulation of Tulang Bawang Barat No. 11/ 2012 regarding Prohibition of Immoral Doings and Prostitution in the Region of West Tulang Bawang (*Peraturan Daerah Kabupaten Tulang Bawang Barat Nomor 11 Tahun 2012 tentang Larangan Perbuatan Asusila, Prostitusi dan Tuna Susila dalam Wilayah Kabupaten Tulang Bawang Barat*)

23. Instruction from the Mayor of Lhokseumawe No. 002/2013 regarding the Enforcement of Islamic Sharia Law (*Seruan Bersama Walikota Lhokseumawe Nomor 002 Tahun 2013 untuk menegakkan Syari'at Islam Secara Kaffah*)

24. Regional Regulation of Depok City No. 16/ 2012 regarding Supervision, Monitoring and Public Order (*Peraturan Daerah Kota Depok Nomor 16 Tahun 2012 tentang Pembinaan, Pengawasan dan Ketertiban Umum*)

25. Regional Regulation of Penajam Paser Utara District No. 23/2012 Regarding Mandatory Quran Reading in Education(*Peraturan Daerah Kabupaten Penajam Paser Utara Nomor 23 Tahun 2012 Tentang Pendidikan Wajib Baca Alquran*)

27. Regional Regulation of Batanghari Distrct No. 172013 regarding the Obligation for Students to be Able to Read and Write the Quran and Pray Sholat(27. *Peraturan Daerah Kabupaten Batanghari Nomor 17Tahun 2013 Kewajiban Mampu Baca Tulis Alqur'an dan Melaksnakan Sholat Fardhu bagi Siswa*)

28. Letter from Mayor of Malang No. 800/205/35.73.403/2014 regarding Respecting the Holy Month of Ramadan (and the Requirement for civil servants to wear Muslim attire during the month of Ramadan (*Surat Wali Kota Malang Nomor 800/205/35.73.403/2014 tentang Menyambut dan Menghormati Bulan Suci Ramadhan 1435 Hijriah. (tentang kewajiban memakai busana musliman bagi PNS pada bulan ramadhan)*)

29. Aceh By Law No. 6 /2014 Regarding Jinayat Law(*Qanun Aceh Nomor 6 Tahun 2014 Tentang Hukum Jinayat*)

30. Aceh By Law No. 8 /2014 Regarding Basics of Islamic Sharia *Qanun Aceh Nomor 8 Tahun 2014 Tentang Pokok-pokok Syariat Islam*)

31. Aceh by Law No. 11 /2014 Regarding Education Providing(*Qanun Aceh Nomor 11 Tahun 2014 Tentang Penyelenggaraan Pendidikan*)
32. Aceh By-Law No. 7 /2014 Regarding Labor ( *Qanun Aceh Nomor 7 Tahun 2014 Tentang Ketenagakerjaan*)
33. Instruction from the Governor of Aceh No.01/2014 regarding Policing Café's and Internet Providers (*Instruksi Gubernur Aceh No. 01 Tahun 2014 Tentang Penertiban Cafe dan Layanan Internet Se-Aceh*)
34. Regional Regulation of Belitung District No. 5/2014 Regarding Public Order (*Peraturan Daerah Kabupaten Belitung Nomor 5 Tahun 2014 Tentang Ketertiban Umum*)
35. Regional Regulation Nusa Tenggara Barat No. 4 /2015 Regarding Provision of Education(*Peraturan Daerah Provinsi Nusa Tenggara Barat Nomor 4 Tahun 2015 Tentang Penyelenggaraan pendidikan*)
36. Instruction from the Governor of Aceh No.01/ 2015 regarding the Policing and Public Order of Entertainment, Tourism, Recreation, Café's, Sport Facilities and Internet Cafes in Banda Aceh (*Instruksi Walikota Banda Aceh No. 1 Tahun 2015 tentang Tentang Pengawasan dan Penertiban Pelayanan Tempat Wisata, Rekreasi, Hiburan, Penyedia Layanan Internet, Cafe Sejenisnya dan Sarana Olahraga di Banda Aceh*)
37. East Aceh Bylaw No. 9/2014 Regarding Culture (*Qanun Kabupaten Aceh Timur Nomor 9 Tahun 2014 Tentang Penyelenggaraan Kebudayaan*)
38. East Aceh Bylaw No.4/2014 regarding the Arrangement and Work Systems of the Regional Education Assembly in East Aceh(*Qanun Kabupaten Aceh Timur Nomor 4 Tahun 2014 Tentang Susunan Organisasi Dan Tata Kerja Majelis Pendidikan Daerah Kabupaten Aceh Timur*)
39. Regional Regulation of Sumatera Barat No. 7 2014 regarding Public Order and Public harmony(*Peraturan Daerah Provinsi Sumatera Barat No. 7 Tahun 2014 Tentang Penyelenggaraan Ketertiban Umum dan Ketenteraman Masyarakat*)
40. Regulation of the Regent of Belitung No.20/2015Regarding the Amendment to Regulation of the Regent of Belitung No.19/2015 regarding Entertainment Businesses, Restaurants, and Recreational Facilities in the month of Ramadan and Religious Holidays in Belitung.( *Peraturan Bupati Belitung Nomor 20 Tahun 2015 Tentang Perubahan atas peraturan bupati belitung nomor 19 Tahun 2015 Tentang Penyelenggaraan Usaha Hiburan, Rumah Makan Dan Rekreasi pada Bulan Ramadhan Dan Hari-Hari Besar Keagamaan Tertentu Di Kabupaten Belitung*)

41. Regulation of the Mayor of Palembang No. 11/2015 Regarding the Code of Ethic for Government Employees in Palembang City (*Peraturan Walikota Palembang Nomor 11 tahun 2015 Tentang Kode Etik Pegawai Pemerintah Kota Palembang*)
42. Regulation of the Governor of Bengkulu No. 6 /2015 Regarding the Formation of a Peaceful Religious Forum and Board for the Peaceful Religious Forum (*Peraturan Gubernur Bengkulu Nomor 6 Tahun 2015 Tentang Pedoman Pembentukan Forum Kerukunan Umat Beragama Dan Dewan Penasehat Forum Kerukunan Umat Beragama*)
43. Regional Regulation Tasikmalaya City No. 7/2014 regarding Religious Life Values for the Community in Tasikmalaya City (*Peraturan Daerah Kota Tasikmalaya Nomor 7 Tahun 2014 Tentang Tata Nilai Kehidupan Masyarakat Yang Religius Di Kota Tasikmalaya*)
44. Mayor of Tasikmalaya's Regulation No.18/2015 regarding the Implementation of Religious Life Values for the Community in Tasikmalaya City (*Peraturan Walikota Tasikmalaya Nomor 18 tahun 2015 Tentang Peraturan Pelaksanaan Peraturan Daerah Kota Tasikmalaya Nomor 7 Tahun 2014 Tentang Tata Nilai Kehidupan Masyarakat Yang Religius Di Kota Tasikmalaya*)
45. Mayor of Tasikmalaya's Decree No.: 467.2/Kep.147-Kesbangpol/2015 Regarding the Formulation of a Team for the Application of Religious Life Values in the City of Tasikmalaya (*Keputusan Walikota Tasikmalaya Nomor: 467.2/Kep.147-Kesbangpol/2015 Tentang Pembentukan TIM Koordinasi Penerapan Tata Nilai Kehidupan Masyarakat Yang Religius Di Kota Tasikmalaya*)
46. Regional Regulation of Cirebon No. 3 /2014 regarding Amendment to Regional Regulation of Cirebon No. 9/2009 Regarding Civil Administration (*Peraturan Daerah Kabupaten Cirebon Nomor 3 Tahun 2014 tentang Perubahan Peraturan Daerah Kabupaten Cirebon Nomor 9 Tahun 2009 Tentang Penyelenggaraan Administrasi Kependudukan*)
47. Regulation Purwakarta's Regent No. 69/2015 Regarding Education of Character (*Peraturan Bupati Purwakarta Nomor 69 Tahun 2015 Tentang Pendidikan Berkarakter*)
48. Regulation of Purwakarta's Regent No. 2/2015 Regarding Additional Requirements for the Passing of Grades in Elementary School in Purwakarta(*Peraturan Bupati Purwakarta Nomor 2 Tahun 2015 Tentang Persyaratan Tambahan Kenaikan Kelas Pada Jenjang Pendidikan Dasar di Kabupaten Purwakarta*)
49. Regional Regulation of Lembata Regency No. 5 /2014 Regarding the Management of Graveyards in the Regency of Lembata (*Peraturan Daerah Kabupaten Lembata Nomor 5 Tahun 2014 Tentang Pengelolaan Pemakaman Dalam Wilayah Kabupaten Lembata*)

50. Regional Regulation of Demak Regency No. 2/2015 Regarding Handling of Community Sicknes (*Peraturan Daerah Kabupaten Demak Nomor 2 Tahun 2015 Tentang Penanggulangan Penyakit Masyarakat Di Kabupaten Demak*)
51. Regional Regulation of Banyuwangi Regency No. 11/2014 Regarding Public Order and Social Harmony in Banyuwangi (*Peraturan Daerah Kabupaten Banyuwangi Nomor 11 Tahun 2014 Tentang Ketertiban Umum Dan Ketentraman Masyarakat Di Kabupaten Banyuwangi*)
52. Regional Regulation of Pamekasan Regency No. 4/2014 Regarding Al-Quran Reading for Muslim Students. Membaca (*Peraturan Daerah Kabupaten Pamekasan Nomor 4 Tahun 2014 Tentang Keterampilan Membaca al-Qur'an Bagi Peserta Didik Beragama Islam*)
53. Regional Regulation Pamekasan Regency No. 5/ 2014 Regarding the Regulation of Activities in the Month of Ramadan (*Peraturan Daerah Kabupaten Pamekasan Nomor 5 Tahun 2014 Tentang Penertiban Kegiatan Pada Bulan Ramadhan*)
54. Regulation of Situbundo's Regency No. 15/2015 Regarding Incorporation of Local Teachings in the School Curriculum (*Peraturan Bupati Situbondo Nomor 15 Tahun 2015 Tentang Penerapan Pembelajaran Muatan Lokal Pada Satuan Pendidikan Di Kabupaten Situbondo*)
55. Regional Regulation of Tuban No. 16 /2014 Regarding Public Order and Social Harmony (*Peraturan Daerah Kabupaten Tuban Nomor 16 Tahun 2014 Tentang Ketertiban Umum Dan ketentraman Masyarakat*)
56. Regulation of Malang's Mayor No.15/2014 Regarding Regulating the Tourism Industry in the Month of Ramadan (*Peraturan Walikota Malang Nomor 15 Tahun 2014 Tentang Penertiban Kegiatan Di Bidang Pariwisata Pada bulan Ramadhan Dan Idul Fitri*)
57. Regulation of Pasuruan's Mayor No.41/2014 Regarding Regulating and Monitoring Internet and Playstation Café's (*Peraturan Walikota Pasuruan Nomor 41 Tahun 2014 Tentang Pembinaan Dan Penertiban Usaha Warung Internet Dan Warung Playstation*)
58. Regional Regulation of Banjarbaru No.6/2014 Regarding Public Order (*Perda Kota Banjarbaru Nomor 6 Tahun 2014 Tentang Ketertiban Umum Dan Ketertiban Masyarakat*)
59. Regional Regulation Kabupaten Luwu Timur No. 9 /2014 Regarding Harmony and Public Order (*Peraturan Daerah Kabupaten Luwu Timur Nomor 9 Tahun 2014 Tentang Penyelenggaraan Ketenteraman Dan Ketertiban Umum*)

60. Kesbangpol Circular No. 300/321 regarding Advice to Ban the Celebration of Asyura (Shiite Celebration) (*Surat Edaran Nomor 300/321 Kesbangpol Tentang Himbauan Pelarangan Perayaan Asyura (Hari Raya Kaum Syi'ah) di Kota Bogor*)
61. Mayor of Serang's Circular No No. 451.13/555- Kesra/2016 regarding Forbidden Activities During the Month of Ramadan (*Surat Edaran Walikota Serang Nomor 451.13/555- Kesra/2016 Tentang Kegiatan Yang Dilarang Pada Bulan Ramadhan*)
62. Mayor of Malang's Circular No: 222/SE/1397/35.73.1333/2016 regarding Advice to Pray (*Surat Edaran Walikota Malang No: 222/SE/1397/35.73.1333/2016 tentang Himbauan Melaksanakan Shalat Berjama'ah*)
63. Regent of Padang Pariaman's Regulation No. 13/2016 Regarding Regulating Public Music (*Peraturan Bupati Padang Pariaman Nomor 13 Tahun 2016 Tentang Penertiban Orgen Tunggal*)
64. Government Regulation In lieu of Law No.1/2016 Regarding the Second Amendment to Law. No23/2002 regarding the Protection of Children (*Peraturan Pemerintah Pengganti Undang-Undang Republik Indonesia Nomor 1 Tahun 2016 Tentang Perubahan Kedua Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak*)
65. Regent of Bireuen's Instruction No.1 INSTR/2016 Regarding Policing of Café's, Restaurants, Salon's or Hair Dressers, Internet Providers and Hotels (*Instruksi Bupati Bireuen Nomor: 1/INSTR/2016 Tentang Penertiban Cafe, Restoran, Salon Atau Pangkas Rambut, Layanan Internet, Hotel Dan Penginapan Di Kabupaten Bireuen*)
66. Official Request of the Head of the Sharia Department of Bireuen Regency No. Kepala Dinas No.: 451.48/159/2016 regarding Lesbian, Gay, Bisexual and Transgender (LGBT) People (*Surat Himbauan Kepala Dinas Syariat Kabupaten Bireuen Nomor: 451.48/159/2016 tentang Lesbian, Gay, Biseksual dan Transgender (LGBT)*)
67. Regional Regulation of Papua No. 8/2016 regarding Public Order and Harmony (*Peraturan Daerah Provinsi Papua Nomor 8 Tahun 2016 Tentang Ketertiban Dan Ketenteraman*)

68. Regional Regulation of East Kalimantan No.3/ 2016 Regarding the Handling of and Empowerment of People with Social Welfare Problems (*Peraturan Daerah Provinsi Kalimantan Timur Nomor 3 Tahun 2016 Tentang Penanganan dan Pemberdayaan Penyandang Masalah Kesejahteraan Sosial*)
69. Regional Regulation of Manggarai No. 2/2016 regarding Public Order (*Peraturan Daerah Kabupaten Manggarai Nomor 2 Tahun 2016 tentang Ketertiban Umum*)
70. Regent of Sukabumi' Regulation No. 3/2016 regarding Movements of Sholat Subuh for Congregations at the Mosque (*Intruksi Bupati Sukabumi Nomor 3 Tahun 2016 tentang Gerakan Sholat Subuh Berjamaah di Masjid*)
71. Circular No.180/216/KUM/2016 Respect for the Call to Prayer (Adzan) in Banjarmasin City (*Surat Edaran No.180/216/KUM/2016 Penghormatan Kepada Panggilan Adzan Berkumandang di Kota Banjarmasin*)

**Attachment 2**  
**Komnas Perempuan Cedaw Report Consultation**  
**Participants List**  
**23 August 2016**

<b>Number</b>	<b>Name</b>	<b>Organization</b>	<b>Province</b>
1.	Leila Juawari	RPUK – Relawan Perempuan Untuk Kemanusiaan	Aceh
2.	Yefri Heriani	WCC Nurani Perempuan	Sumatera Barat
3.	Susi Handayani	PUPA	Sumatera Barat
4.	Rena H	Kalyanamitra	DKI Jakarta
5.	Fitria Sumarni	Jemaat Ahmadiyah Indonesia	DKI Jakarta
6.	Khalisah Khalid	WALHI	DKI Jakarta
7.	Pradizza S P	Ardhanary Institute	DKI Jakarta
8.	Ninuk Widyantoro	Individu	DKI Jakarta
9.	Belinda	Ikatan Perempuan Positif Indonesia	DKI Jakarta
10.	Selviana Yolanda	AJAR	DKI Jakarta
11.	Ahmad C F	LBH APIK Jakarta	DKI Jakarta
12.	Lindawati	HWDI	DKI Jakarta
13.	Revita	HWDI	DKI Jakarta
14.	Totok	PKNI – Persaudaraan Korban Napza Indonesia	DKI Jakarta
15.	Estu Fanani	CWGI – Cedaw Working Group Indonesia	DKI Jakarta
16.	Sjamsiah Ahmad	Independent Expert	DKI Jakarta
17.	Rita S K	Mitra Perempuan	DKI Jakarta
18.	Karmila	WCC Pasundan Durenbang	Jawa Barat
19.	Farida Ridwan	SAPA Institute	Jawa Barat
20.	Pipit Ambarmirah	KIPPER – Kiprah Perempuan	Jogjakarta
21.	Siti A	LP3A Papua – Anggota TIKI Jaringan Perempuan Papua	Papua

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i The President has agreed with the initiative to alter the Presidential Decree Number 65/2005 as the legal foundation for the strengthening of Komnas Perempuan as an institution.

ii The allocated budget of Komnas Perempuan has decreased from IDR 12 billion to approximately IDR 9 billion for every year in the period of 2015-2019.

iii Komnas Perempuan is currently under the Komnas HAM working unit. Komnas Perempuan wants to be an independent working unit in order to be treated equally as other national human rights institutions which manage their own institutions, and as a part of the recognition of the importance of women's machinery.

<sup>iv</sup> Since 2010, Komnas Perempuan has routinely carried out consultations with state ministries and institutes related to the implementation of the National Mid Term Development Planning (RPJMN), especially with regards to the fulfillment of women's human rights and constitutional rights. This has occurred through a consultation mechanism called the RPJMN Forum. The 2015 RPJMN Forum was supported by Bappenas (National Development Planning Board) as part of the effort to increase the tasks and function of NHRI for the enforcement and advancement of human rights in Indonesia. The aim of the Forum was to look at the progress and the challenges regarding the fulfillment of women's human rights and constitutional rights in the framework of the prevention and handling of all forms of violence against women. The recommendations that were produced are to become input in the preparation of the 2018 Government Work Plan and to strengthen the implementation of the 2017 Government Work Plan. The 2016 RPJMN Forum that was held on the 7-8 December adopted the theme "Strengthening the Role of the State through Program Synergy and Policy Harmonization for the Prevention and Handling of Violence against Women." The Forum was attended by 100 representatives from various ministries such as the Ministry of Internal Affairs, the Ministry of Human Rights and Law, Ministry of Women's Empowerment and Child Protection, Ministry of the Coordination of the Security, Defense, Law and Political Fields, Ministry of National Education and the Ministry of Religion. This Forum identified the advances and challenges regarding the three priority issues of the 2015-2019 RPJMN which are closely related to the handling of violence against women, namely: (1) the increase of access to quality services for women victims of violence; (2) the harmonization of policies related to human rights and gender, especially the synchronization of discriminative policies at the regional and national levels, and (3) a national curriculum which contributes to the elimination of violence against women.

<sup>vi</sup> Physical violence also occurs during the arrest and investigation process in the police office, while the violence in the prison is caused by overcrowding and a lack of specialized services for women and the lack of cells/prisons that are specifically for women. Economic abuse occurs through systematic corruption and illegal payments in prisons and throughout the whole legal process in Indonesia. Psychological violence occurs in many forms such as separation from children, unbalanced gender relations in the legal system, being heavily discriminated against and psychological violence that occurs because of a lack of female prison staff and a lack of gender perspective in correctional systems

<sup>vii</sup> Indonesia acknowledges that teenagers are a vulnerable group that needs special attention, including regarding sexual reproductive health. However, a number of factors tend to be ignored including the fact that some teenagers are sexually active although not yet married. Teenagers are a group who are especially vulnerable to unplanned pregnancies, 10 percent of teenagers between 15-19 years old have experienced pregnancy and are at risk of sexually transmitted infections. The vulnerabilities referred to are because of a lack of access to comprehensive contraception and reproductive health services and information. Teenagers rights are also neglected because of the lack of a national regulation which ensures that all schools in Indonesia guarantee the right of girls who experience unwanted pregnancies (that occur through relationships or through sexual assault) to continue their education without being expelled from schooling (Hartini, 2003; Hayati 2014).

<sup>viii</sup> Since the Indonesian government ratified the Convention on the Rights of Persons with Disabilities in October 2011, there should have been a change in the way that disability is viewed. The issue of disability cannot be approached with a method that is restricted to a charity based approach or social help. Approaching this issue must apply a human rights based approach. A number of policies have been produced at the national and regional levels (e.g The Special Region of Yogyakarta Regional Regulation No.4/2012 which states that people with disabilities have the right to education

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regarding reproductive health). Although services for people with disabilities have been acknowledged by a number of health professionals, they are not widely available because of the facilities of Puskesmas and hospitals which are not yet disability friendly. Advocacy Centre for Disabled Women and Children or SAPDA- an institute based in Jogjakarta has stated that there are a number of barriers and hardships experienced by disabled people to accessing medical services- this includes a barrier presented by the disabled peoples own families because of over protection and lack of understanding. The barriers faced by this group, for example, services that are hard to reach, social and cultural barriers because of stigmatization of disabled people and program barriers- the lack of specific programs which target women and children with disabilities.

<sup>ix</sup>In the midst of the progress being made by the government in responding to the issue of HIV- AIDS, discrimination and violations of sexual reproductive health rights continue to be experienced by women with HIV- AIDS. The research carried out by the Alliance of Women with HIV-AIDS demonstrates that women with HIV often receive treatment which is discriminatory by health professionals because of their HIV status. Women with HIV face stigmatization because HIV is associated with free sex or frequently changing sex partners and there is often suspicion that women with HIV are sex workers. These women also experience sexual violence when they are sterilized without providing informed consent. The practice of forced sterilization is a violation of human rights. Perempuan with HIV who have become victims of sexual violence face difficulties in accessing services. Staff who provide treatment and medical services to women victims are not equipped with knowledge about HIV-AIDS and health professionals who find sexual violence to have occurred against women with HIV are not capable of providing adequate ongoing treatment (Komnas Perempuan, 2015b). Komnas Perempuan has found cases of women with AIDs who have died at hospitals and their families have had to wait long periods because the body of the dead woman has not been cleaned. In Islam women who die must be washed and have their bodies cleaned by women. There are no experts to wash bodies of women who have passed away with AIDS which results in difficulties of their corpses being able to be taken away and buried.

<sup>x</sup>Prostituted women is terminology used by Komnas Perempuan. It means women who are victims of poverty who then enter the world of prostitution because they are forced by their economic situation. It is the result of the absence of fitting working fields and also human trafficking. Prostituted women are a group who are most vulnerable to physical violence, unwanted pregnancies and sexually transmitted infections. The world of prostitution is full of exploitation and their ability to make decisions which is weak makes them faced with dangerous situations such as unsafe abortions and HIV infection. Research carried out by OPSi demonstrates that prostituted women's knowledge of sexual and reproductive health is very limited. Their access to services is also extremely limited for example accessing papsmear services. This is because of questioning and prejudice by health professionals regarding their sexual history. Questioning with prejudice s make prostituted women less willing to undertake health examinations. The practice of discrimination against prostituted women will continue if there are no clear policies which state that medical services in Indonesia must be free from all forms of discrimination including discrimination against prostituted women (Organisasi Perubahan Sosial Indonesia, 2015 and Team SRHR Komnas Perempuan, 2016).

<sup>xi</sup>Women migrant workers are another group who are vulnerable to various forms of violence which violate their reproductive and sexual health rights at every stage of the migration process (including in the stages of recruitment, departure, working abroad and returning home). The layers of violence which they experience can have extremely negative effects on their lives such as the damaging to reproductive organs as a result of torture at their places of work, contracting HIV because of forced sexual relations, sexual assault that occurs during medical examinations prior to departure as well as isolation from their families and support networks. Many migrant workers experience depression and become disabled as a result of physical torture and mistreatment whilst working abroad. A comprehensive program to protect migrant workers from these negative situations is needed. This protection needs to include medical services that are not discriminatory and that are able to detect when migrant workers have become victims of violence (Komnas Perempuan 2015)

<sup>xii</sup>Based on the data of Komnas Perempuan's 2014 Annual Notes there were 37 cases of violence against women that occurred against women of minority sexual orientations (lesbian, bisexual, transgender) in the personal sphere. 12 of these cases involved sexual violence. In the community sphere 4 cases of sexual violence occurred against LBT women. It needs to be ensured that they can access services, including medical and recovery services which do not discriminate on the bounds of sexuality. A health professional when asked if medical services discriminate on the bases of sexual orientation stated that health workers cannot receive and are not aware of sexual orientations aside from heterosexual. This prevents sexual minorities from being able to access medical services. Acknowledgement of diverse sexual

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orientations is important as it is the first step to working to fulfill and uphold the rights of those women from diverse sexual orientations (GK PKHN Komnas Perempuan, 2015).

<sup>xiii</sup>Based on the official complaints of violence and discrimination reported to Komnas Perempuan including: (1) attack on Café Rancong by a community organization on the 23 August 2015 which caused 15 cross gender females to be injured. This attack was based on instructions from the Mayor Lhokseumawe. This café was then burnt down in 2016; (2) the arrest of gay couples in Aceh because they were considered to have violated Qanun No.5 regarding the Implementation of Shariah Law and Qanun No.11/2012 regarding the implementation of Shariah Law; (3) letter from the Head of the Shariah Department in the Bireun Regency No.451/149/2016 7 March 2016 regarding the notification for salon owners in Bireun to not employ cross gender people and that salon owners who do employ cross gender people will have action taken against them; (4) The halting of all financial aid for and training for communities who are considered LGBT; (5) this data collection causes fear amongst the LGBT community in Aceh and has the effect that LGBT people leave Aceh. There are no statistics available about the LGBT exodus from Aceh. In May 2016, the mayor of Banda Aceh formed a special team to tackle LGBT with the role to carry out investigation, surveillance, counseling, rehabilitation and also take legal action against people involved in people involved with LGBT (Jaring Pemantau Aceh 231, Catatan Dua Tahunan Kekerasan Terhadap Perempuan di Aceh 2011-2012) Until now a large number of women and people of diverse sexual orientations who have become victims of the enactment of the Qanun laws are hard to be reached because in general they choose to leave their places of residence, either because of forced eviction or personal choice. These women have limited access to lawyers.

<sup>xiv</sup>The issue of anti- LGBT sentiment has increased after the case regarding a Support Group and Resource Center on Sexuality Studies (SGRC) at campuses of the University of Indonesia which provided counseling on sexuality. A number of public officials have been quoted by the media issuing anti LGBT statements: Such as members of President Joko Widodo's cabinet and members of parliament. These statements include that: (1) students should not be allowed at university campuses, (2) that LGBT is dangerous and its effects on wrecking society similar to illegal drugs and recommended a law to outlaw LGBT and (3) that LGBT is a psychological problem.

<sup>xv</sup>In February 2016 the Government of Sukabumi responded to the national issue of LGBT by forming a team to combat the spread of LGBT, The Vice Governor of West Sumatera stated that LGBT people should leave the province of Sumatera Barat, and the Mayor of Kediri prohibited Valentine's day to put pressure on LGBT campaigns

<sup>xvi</sup>The Indonesian Broadcasting Commission issued a letter prohibiting TV stations and shows to promote LGBT, 2 February 2016 No.2 203/K/KPI/02/16 <http://www.kpi.go.id/index.php/lihat-terkini/38-dalam-negeri/33218-kpi-larang-promosi-lgbt-di-tv-dan-radio>.

<sup>xvii</sup>This is demonstrated in a case of rape by multiple offenders (gang rape) that was experienced by a woman in Langsa city, Aceh in August 2014. The woman was approached by nine youths (one of whom was under 18) and accused of having carried out *zina* (extra marital sex) with her boyfriend because she was alone with her boyfriend in her home at night. The nine youths detained the woman and beat her boyfriend. The woman was then raped by each one of the nine youths who took turns at raping her. The youths then handed the women over to the Wilayatul Hisbah (Shariah Police). The woman was charged by the prosecutor for the having committed *khalwat* (being alone with a man who has no right of association) and convicted by the Religious Court. The religious court sentenced the woman to caning, to be caned nine times along with her boyfriend. The case of *zina* was legally processed through the Mahkamah Syariah (Islamic Sharia Court) of Langsa City, meanwhile the rape case was processed through the District Court of Langsa City. The legal process for the rape progressed more slowly than the *khalwat* case and out of the nine rapists only two were punished. The other offenders escaped, running away and evading law enforcement. There was a lack of serious attempts by law enforcement to apprehend the offenders.

<sup>xviii</sup>On 13 January the Islamic Defenders Front (FPI) invaded the Depok campus of Univeristas Indonesia objecting to the regent of Purwakarta being a hosted speaker at the seminar 'inspiring leaders'; 24 January a group forcefully evicted followers of the Ahmadiyah religion from Bangka Belitung; on 24-26 February the Front Jihad Islam group and officials from the regional government of Bantul, Yogyakarta closed the Pondok Pesantren Waria al-Fatah (a cross gender Islamic boarding school), on 27 February a number of community organizations such as Pemuda Cinta Tanah Air, and the Indonesian Islamic Youth Movement (PW-GPII) demanded the police to close the 'belok kiri festival' in the Ismail

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Marzuki park, Jakarta, 16 March Police banned the screening of the film 'Pulau Buru Tanah Air Beta' at the Goethe Institute, Jakarta, 23 March FPI forcefully disbanded a theater production 'Tan Malaka' in Bandung, West Java. 1 April FPI broke up a discussion regarding the role and position of women in Indonesia at HMI Pekanbaru, Riau; 2 April a community organization (FUI-DIY) and the police forcefully disbanded Lady Fast in Yogyakarta, an event that featured a seminar on women's issues and a film screening, 9 April an intolerant group disbanded an education seminar in Makassar, Sulawesi, 10 April a community organization held a demonstration to reject the Christian Church GBKI Bandung, 14 April an intolerant group forcefully disbanded a meeting of the survivors of the 1965 Killings in Bogor, West Java.

<sup>xix</sup>The attacks on and forced closure of the Jemaat Ahmadiyah mosques and the forced eviction of Ahmadiyah people (in North Sumatera, Bangka Belitung, Lampung, West Java, Central Java and NTB), the forced closures of churches and obstruction to the building of churches (in Banda Aceh, Singkil, North Sumatra, West Java, Jakarta, Central Java, East Java, West Kalimantan, Lampung).

<sup>xx</sup>Indonesia only recognizes 6 official religions (Islam, Christian, Catholic, Hindu, Budha, Khonghucu) and lately recognizes Baha'i.

<sup>xxi</sup>Includes cases carried out by the Regent of Central Lombok NTB, Vice Major of Magelang, Major of Palembang and Regent of Garut.

<sup>xxii</sup>One case that has been brought to the attention of Komnas Perempuan is the criminalization of the victim of domestic violence in Bone that occurred through the National Court of Watampone. The victim, E (17 years old), was charged with having neglected her household duties because she left the house to go to school. This occurred despite the fact the husband of E had previously, as part of his marriage promise to E's parents said that he would give his permission for E to keep going to school but later reneged on the promise. It was E who was a victim of domestic violence, the criminalization of E occurred because law enforcement officers did not utilize gender perspective in the handling of her case.