

**The National Commission on Violence against Women
(Komisi Nasional Anti Kekerasan terhadap Perempuan - Komnas Perempuan)**

A National Human Rights Institution's Independent Report

Submission to The Human Rights Committee

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**Updated Information for the 2nd Indonesian Periodic Review on
the International Covenant on Civil and Political Rights (ICCPR)**

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A. Introduction

1. This information is submitted by the National Commission on Violence Against Women (*Komisi Nasional Anti Kekerasan terhadap Perempuan* - Komnas Perempuan), one of the national human rights institutions (NHRIs) in Indonesia for the 2nd periodic review of the Indonesian implementation of the International Covenant Civil and Political Rights (ICCPR).ⁱ

B. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

2. Komnas Perempuan appreciates Gol's commitment to strengthening NHRIs as recommended by the Universal Periodic Review (UPR) Cycle IV (Recommendation No. 140.193). Gol recently passed the Presidential Regulation (Perpres) No.55/2023 and Perpres No. 8/2024 to increase the number of staff and facilities for Komnas Perempuan. With the continuously increasing number of cases of gender-based violence against women (GBVAW) casesⁱⁱ and their complexity that require comprehensive intervention including fulfilling the victim's right to recovery, the State's continuous support for Komnas Perempuan's capacity is pivotal.ⁱⁱⁱ This includes the support at the bureaucracy aspect to strengthen its independence and performance of mandates.

3. Komnas Perempuan recognizes the support of Gol for NHRIs' initiative to form Cooperation for the Prevention of Torture (KuPP). Established in 2016, currently there are six institutions member of KuPP and since 2023 Komnas Perempuan has been serving as the coordinator.^{iv} Advocating for the ratification of OPCAT and endorsing the establishment of National Preventive Measures (NPM) against torture, KuPP performs regular visits to detention centers and prisons, capacity building activities, policy dialogues, and public campaigns.

4. Recommendations: Gol to a) continue its commitment to support NHRIs, including by improving the state bureaucracy system to accommodate specific characteristics of NHRIs to increase their independence and optimal roles, c) support KuPP, including by following up its recommendations.

C. Progress on Human Rights Conditions and Implementation of CCPR in Indonesia

1. Legal Measures (Article 2)

5. **The Criminal Code (KUHP) was revised through the Law No. 1 Year 2023** and will come into full force in 2026. Komnas Perempuan commends the Criminal Code for its correction to improve women's access to justice,^v including revision of rape definition to meet international standard, and extension of the eligibility of safe abortion for women victims of sexual violence. However, several articles potentially infringe human rights, including those that are disadvantageous for women, such as the overcriminalization of consensual intimate relationships outside wedlock through extension of eligible party to report the case and the prohibition of cohabitation and also through implementation of discriminatory living law. There is also a concern raised by women of minority groups on the rights to freedom of beliefs/religion and by women's

human rights defenders (WHRDs) concerning the rights to freedom of speech.^{vi} The Criminal Code still applies the death penalty although it also regulates the provision of commutation.

6. Recommendations: Gol to a) formulate guidelines for the interpretation of the Criminal Code that minimizes the reduction in guarantees for the protection of constitutional rights with special attention to women's layered vulnerabilities, including the rights to freedom of expression, association, religion and belief, the right to life, the right to be free from discrimination and torture, and other basic rights, b) strengthen monitoring mechanisms for the implementation of the Criminal Code, including by NHRIs, particularly Komnas Perempuan.

7. **Discriminatory Laws and Policies.** Komnas Perempuan recognizes Gol's effort, particularly the Ministry of Women Empowerment and Child Protection (MoWE-CP) and the Ministry of Law and Human Rights (MoLHR) to expedite the review of discriminatory bylaws in the name of religion and public morality in the context of regional autonomy in Indonesia. Also, to strengthen preventive measures, including those performed by the Ministry of Home Affairs (MoHA) through implementing the authority to assist and supervise regional regulations through the E-Perda (Electronic-regional policies) system, and the Ministry of Education (MoE) to supervise regulations at education institutions to prohibit such obligation. Hence from 421 discriminatory policies identified back in 2016, the number reduced to 305 in late 2022 as reported in the UPR Cycle IV. However, efforts to accelerate the prevention and handling of discriminatory policies still face serious challenges in the structural, cultural, political, and substantive/conceptual aspects. Hence, the reduction in number of discriminatory bylaws after UPR Cycle IV is yet to be observed, including of the 72 policies obliging attire according to a particular interpretation of the religion adhered to the majority of the population. Since these policies put women as the primary target of their implementation,^{vii} women objecting to this regulation face discrimination, administrative sanctions, losing their jobs, being bullied, ostracized, and violence and persecution. Victims and their families endure stress, fear, depression and some even have suicidal thoughts.^{viii}

8. At the national level, there is a need to expedite the revision of laws potentially hinder the fulfillment of the rights guaranteed in the ICPPR, as well as to issue the law or regulation to promote the advancement of human rights, with specific impacts on women, among others:

- 8a. **Law No. 8 Year 1981 on the Criminal Procedure Law (KUHAP)** has not been improved to better prevent torture as well as access to justice for victims of sexual offences as required by the law No. 12/2022 on the Sexual Crime Law (UU TPKS).
- 8b. **Law No. 1/1974 on Marriage.** This law is still in effect and contains discriminatory provisions against women in the family, particularly by allowing the condition of a wife's "disability" as a legal reason for polygamy or divorce, and also gender-based positions that lead to inequality between husband and wife.
- 8c. **Derivative regulation of Sexual Crime Law 2022.** To date, only one derivative regulations that has been issued, namely on capacity building. This commendable law for its adoption of victims-centred approach needs set of derivative regulations to ensure optimal implementation.

- 8d. Derivative regulations of **Health Law**. The revised Health Law 2023 reaffirms reproductive health rights, including the right to access health services and recovery for the victim of sexual violence, which is in line with the Sexual Crime Law and Penal Code 2023. Its derivative regulations need to add services and recovery for women victims of violence (physical, psychological, economic, sexual) in line with the Anti Domestic Violence Law 2004, as well as on gender-based cyber violence and on specific contexts, such as during and post-disasters. Provision of legal and accessible abortion service facilities needs to be established immediately to ensure dignified services.
- 8e. **Expansion of Labour Law**. Despite the presence of Law on Job Creation, domestic work remains not legally recognized, leaving at least 5 million domestic workers, of which the majority are women, are at risk of exploitation abuse and discrimination.^{ix} The advocacy for Domestic Workers Protection Bill (RUU PPRT) has been ongoing for almost two decades, as well as to manifest Gol's commitment to ratify ILO Convention 189 concerning Decent Work for Domestic Workers and Recommendation 201 to recognize domestic workers and the obligation to protection. ^x Likewise, the situation of home workers, of which the majority is also women. Komnas Perempuan study shows that the lack of legal protection leads to poor and harmful working condition, vulnerabilities to exploitation, discrimination and violence and deterioration of women's lives. Follow up of the Constitutional Court's decision (2022) suggesting specific regulation to cover home workers is yet to be observed. The absence of protection on both domestic workers and home workers potentially create degrading and inhuman situation for workers.
- 8f. A coherent national regulation on **Restorative Justice** is needed to enhance the existing regulations by the police, prosecutor, and Supreme Court to ensure the achievement of the goal of restorative justice concept. Komnas Perempuan's monitoring in 9 provinces and 21 districts/cities finds that restorative justice is mostly performed without gender justice perspective and thus, distances victims from access to justice and remedy. Subsequently, the victims feel aggrieved and revictimized;^{xi}

9. Recommendations: Gol to expedite a) review to correct the existing discriminatory Law and bylaws; b) issuance of derivative regulations of the TPKS Law and Health Law to strengthen the prevention, treatment, and recovery of victims of gender-based violence against women, c) revision of Criminal Procedure Law, d) ratification of ILO Convention 177,189, 190 and Recommendation 201, e) issuance of the Protection of Domestic Workers Bill. Also to f) increase capacity of the law enforcers on gender justice in applying restorative justice in handling violence against women

2. Non-Discrimination (Article 2, 19, 20 and 26)

10. Women of **Religious Minorities**. Discrimination against religious groups and minority beliefs continues due to the preference for 6 religions adhered by the majority of the population,

as an impact of the existing Law **Law No. 1/PNPS/1965 on the Prevention of Religious Abuse and/or Defamation**. One of affected groups is the Ahmadiyya congregation (JAI). In several areas, JAI mosques were sealed by the local government, and female congregants were the most vulnerable during attacks at home and in the mosque.^{xii}

11. Another affected group is adherents to indigenous beliefs. Whilst progress has been observed regarding the protection of their rights following the issuance of joint ministerial regulation^{xiii}, discrimination is still experienced, such as in registering their marriages and performing faith subject in the formal education system. Only those that have registered organizations can have the authority to register marriage and to develop educational materials.^{xiv} Without a marriage certificate, women are in a vulnerable position for they bear the stigma of having children out of wedlock or when they divorce.^{xv}

12. Other affected religious minority groups are including Baha'is, Sikhs, Taoists, and Jews who still face discrimination in public administration that leads to discrimination in other fields. These groups must choose between one of the official religions in Indonesia or faith to avoid stigma as non believers by having a (-) mark on their identity cards. This situation influences their accessibility to marriage registration services, family cards, birth certificates, and other services.

13. **Sexual Minority Groups.** Komnas Perempuan appreciates the steps taken by the MoLHR in providing e-identity cards (e-KTP) services for sexual minorities since 2021, which is in line with the fulfillment of constitutional rights in the 1945 Constitution. Better handling of perpetual violence, stigmatization and discrimination against sexual minority^{xvi} is needed, including to revoke policies directly discriminate against them, particularly transwomen.^{xvii}

14. On issue of prostitution, in 2023 at least there are 108 regional regulations or policies with multi-interpretation articles that place women sex workers or those suspected as sex workers vulnerable to legal sanction.

15. **Women with HIV/AIDS.** During 2015-2022, there were 347 cases of VAW with HIV/AIDS, of which 9 cases were committed by health workers, in the form of psychological violence, namely stigma and discrimination, as found by the Positive Indonesia Network (JIP) on their visit to various health centers in Jakarta, West Java, and Banten. This situation lead the reluctance of people living with HIV/AIDS (PLWHA) to access health services. In Merauke, Papua, JIP reported the occurrence of restrictions on services for PLWHA. The problems of stigma and discrimination experienced by PLWHA should not be treated solely as issue of services, but also a fundamental issue related to the understanding and capacity of health workers.^{xviii} There have also not been many studies regarding the relationship between violence against women and HIV/AIDS^{xix} that lead to the absence of integrated services for victims of violence with HIV/AIDS who need referral system, counseling, and safe house services.

16. Recommendations: GoI to a) revise discriminatory regulations that directly or indirectly impact the access of women and other minority groups to civil and political rights, b) increase the capacity of local governments and parliaments to integrate women's rights perspectives and due diligence for fulfilling human rights, c) revise the policy on formal recognition of 6 religions and ensure that adherents of minority religions can easily access all public administration services (birth certificates, identity cards, etc.) without any direct or indirect discrimination, d) revise the Joint Ministerial Regulation (PBM) of the Minister of Home

Affairs and the Minister of Religious Affairs regarding the establishment of worship buildings as well as education to guarantee equal enjoyment of the rights of any religious group, and e) take more corrective action and steps to address the root causes, factors, and impacts of discrimination and violence against sexual minority groups and other marginalized groups.

3. Counter Terrorism (Article 2, 4, 7, 9, 14)

17. Komnas Perempuan welcomes the National Action Plan for Preventing and Combating Violent Extremism that Leads to Terrorism and the Guidelines for Protecting Children from Radicalism and Criminal Acts of Terrorism, which involve women in the radical circles, including “brides” in acts of terrorism. There are also policies related to countering terrorism and victims of terrorism at the national and regional levels.^{xx} However, this policy does not include adequate gender perspective in the handling of deportees, returnees, and foreign terrorist fighters, which is particularly needed in the issue of women's involvement and their impact in terrorist networks.

18. It was found that women were involved as suicide bombers, as recruiters and targets of recruitment to be indoctrinated to be martyrs by committing violence. Women's involvement cannot be separated from the unequal gender relations and hierarchies with the assumption that they can be more militant. However, women have complex positioning and diverse bargaining power within the group, not solely submissive and obedient as mostly assumed. Provision of immediate assistance to victims, long-term recovery efforts, such as psychosocial recovery for victims are still insufficient and it is linked to the limited coordination between central and regional governments.

19. Recommendations: GoI to a) increase the capacity and empowerment of women who are vulnerable to radicalism, indoctrination, and exploitation, b) implement comprehensive conflict resolution and strengthen peace education in educational institutions, c) provide adequate resources for ongoing periodic and thematic studies with gender sensitivity and d) develop programs more effective way to prevent and tackle violent extremism, e) as well as to provide immediate and long terms assistance and remedies to the victims.

4. Impunity and the Settlement of Past Abuses (Article 2, 6, 7, 14)

20. In response to the Presidential Decree No. 17/2022 on the Establishment of the Team for Non-Judicial Settlements of Past Gross Human Rights Violations (PPHAM Team),^{xxi} Komnas Perempuan is of the view that this policy should not replace judicial settlement and should adopt comprehensive measures with inclusive approach to ensure the victim's right to justice, truth, recovery, and guarantee of non-recurrence.^{xxii} Komnas Perempuan is also concerned^{xxiii} that the absence of a clear and accountable victim protection policy hinders many women victims of past abuses, particularly of sexual violations, from accessing the non-judicial programs.

21. Komnas Perempuan supports the government's plan to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. Thus, we have submitted a recommendation paper to the relevant ministry and parliament on the importance

of the ratification for women, including sisters, daughters, parents, and wives of victims.^{xxiv} Komnas Perempuan recorded the suffering endured by women resulting from the delay in progress in the investigation into the 1997-1998 activists kidnapping cases and other past abuses where their loved ones are missing, including the May 1998 riot case in which rape and sexual assaults against Chinese women also occurred. Since deliberation of our view before the parliament in June 2023, schedule for ratification is yet to be informed.

22. Komnas Perempuan welcomes the report of Aceh Truth and Reconciliation Commission (KKR Aceh), launched in late 2023.^{xxv} For this report, 5,195 testimonies about abuses occurred in the period of 1976-2004 were collected, around 17% or 1,916 were from women. From 8,029 victims recorded, 165 are victims of sexual violence, with almost half are women. The report has set of recommendations to be followed up by both the national and provincial government and other relevant institutions, with specific attention to victims of sexual abuses. Previously in 2021, the KKR has issued recommendations for urgent reparations from the Aceh government through the Aceh Reintegration Agency (BRA). In January 2023, urgent reparations in the form of social assistance were provided to 245 victims, 58 of them were women.

23. In 2020, the Komnas Perempuan conducted a dialogue with Papuan People's Assembly (Majelis Rakyat Papua-MRP), encouraging further monitoring on the implementation of the Perdatus No. 1/2011 to better handling of women victims of violence and other forms of human rights violations. However, the follow-up of the recommendation is yet to be seen. The perpetual violent and armed incidents, the political decision to establish four new provinces, and the election of MRP members, are some of the contributing factors to the delay in the follow up.

24. Recommendations: Gol to a) resolve the past human rights violations in an integrative and comprehensive manner through efforts to reveal the truth, to break impunity, to provide reparation for victims and to guarantee non-repetition, b) ratify International Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute, and revise Law No. 2000/Human Rights Court, c) establishing Truth and Reconciliation at the national level and in Papua, d) issuing regulations with a gender perspective to adjudicate cases of violence related to gross violations of human rights, and e) provide adequate support for local regulations and mechanisms to handle past violations, not limited to KKR Aceh and MRP.

5. Gender Equality

25. Whilst Gol's efforts to promote women's leadership and substantive participation are commendable, Komnas Perempuan is concerned about the implementation of affirmative action policy of 30% quota for women representation in the coming election of 2024. The quota has not met in the composition of the General Elections Commission (KPU), as well as its monitoring Body (Bawaslu). Furthermore, there is a reluctance of the General Elections Commission (KPU) to correct Article 8 sub-article 2 of Regulation No. 10/20023 on Nominations of Members of the House of Representatives (DPR), Provincial Representative Council (DPRD Provinsi), and Regency/City Representative Council (DPRD Kabupaten/Kota). This regulation is concerning rounding-up approach of votes that hinders the achievement of affirmative action policy of 30% for women's representation. The needed correction has been instructed by the Supreme Court

through its decision concerning the judicial review requested by women's group. Following up the Supreme Court's order, the Election monitoring Body (Bawaslu) has reviewed and ordered KPU to correct 267 candidates in order to meet the 30% quota of women. Both orders are yet to be followed up by KPU.

26. Komnas Perempuan observes delightfully the growing women's leaderships at executive sectors, such as shown in the ministerial level and head of districts and villages, as well as in the NHRIs. However, limited number of women representatives are evident in various public institutions, including of judges at Supreme Court and Constitutional Court.

27. Recommendations: Gol to a) encourage the General Elections Commission to implement the Supreme Court's decision by correcting Article 8 sub-article (2) PKPU No. 10/2023 along with its technical rules concerning the round-up of votes and the instruction of Bawaslu to correct the candidate lists, b) support the Elections Monitoring Agency (Bawaslu) and Election Organization Ethics Council (DKPP) in conducting their supervisory role, and c) develop strategic partnerships to implement programs to promote women's leadership in various institutions and levels.

6. Violence against Women and Domestic Violence

28. **The Sexual Crime Law No. 12 Year 2022**, as mentioned in par 8c. is commendable for being victims-oriented and adopting an integrated criminal justice system that enables victims to receive support since the case is informed, to provide legal immunity for reporting cases, and to push for judicial processes for most of the cases. These breakthroughs are necessary to respond to the rampant cases of sexual violence: at least 12,916 cases of sexual violence was reported in the period of 2020-2022, 67% are committed by members of family or intimate partners. Almost 37% or 4,824 cases are rape including marital rape (651) and incest (869), and forced sexual intercourse by others (2,207). Sexual harassment are second largest cases reported, comprises 17% or 2,205 cases, and the increase of report is evident following the issuance of Sexual Crime Law. Whilst formulation of derivative regulations is ongoing, development of needed infrastructure, such as strengthening, service units, referral system and safe house is also taking place. The Law request independent monitoring by NHRIs^{xxvi} and an updated report three years after its issuance. To date, only regulation on capacity building has been passed and the establishment of directorate for strengthening police unit for handling cases of women and children has not been realized.

29. **The Anti Domestic Violence Law** has been in effect for twenty years with significant progress but also persisting challenges. The increasing number of reports, comprising the majority of annual reports on GBVAW,^{xxvii} to some extent shows the raising awareness, confidence and accessibility of victims to report their cases. However, the implementation of the Anti DV Law is still not optimal. Although there has been numerous trainings and campaigns against DV, many still believe that DV is a personal matter and better handled through non judicial process. This perspective is evident also amongst law enforcers and service providers and strengthened by the lack of effective response to the reasons for women victims of DV withdrawing their report. Immediate protection as mandated by the law is rarely performed by

the law enforcers, which is linked to the lack of capacity of the unit for handling cases of women and children (UPPPA). Without provision of adequate supports, victims find difficulties to be independent from the perpetrator psychologically, economically and socially. It is noteworthy that according to Komnas Perempuan's study of 128 local regulation of integrated services for women and children victims of violence, less than 30% regulates provision of safe house and of comprehensive remedies. Rehabilitation program for perpetrator is rarely available, leaving the women to deal with the recurrence and intensification of the violence after they were mediated. Mediation performed by service providers, restorative justice mechanism conducted by police and customary mechanisms often overlook gender dimension, such as found in Komnas Perempuan's monitoring in 9 provinces (2023). As result, not only the perpetrator could break the agreement and repeat the violence, the remedies for victims are mostly ignored.

30. There is Government Regulation No 4/2006 on the Implementation and Cooperation for the Recovery of Victims of Domestic Violence that is mostly referred to by service providers. For law enforcers, particularly police, there is a need to have a comprehensive guidance to interpret the Law sufficiently for optimal implementation of the Anti DV Law regardless of the status of marriage, in relation to rule of evidence, and the understanding of the category of cases between public and private offense.

31. Recommendations: GoI to a) accelerate the issuance of derivative regulations for Anti Sexual Crime Law; and b) derivative regulations on the the Anti DV Law to overcome socio-cultural-structural obstacles for victims in accessing justice and recovery, c) strengthen law enforcer for the implementation of both laws with the approach of the Integrated Criminal Justice System for Handling Cases of Violence against Women (SPPT PKKTP), d) expand the accessibility of service providers to domestic violence victims including in remote, outermost, and island areas, e) establishing a Women and Children Protection (PPA) Directorate in the Indonesian National Police (POLRI) institution and f) provide coherent national policy on restorative justice with specific attention to address gender power imbalance that may infringe the victims' rights to justice and recovery;

32. **Services for women with disabilities and elderly women.** CATAHU 2022 records 127 cases of violence against elderly women and 42 cases against women with disability in the domestic, public and state spheres.^{xxviii} Gender discrimination and dependence on their families cause elderly women with disabilities to be the most vulnerable group to violence.^{xxix} Komnas Perempuan's study ^{xxx} in 2021 showed that some women with disabilities have been denied access to their civil and political rights because they do not have Population Identification Number (NIK) and identity cards. Subsequently, they face difficulty accessing public services and programs , such as those available for poor people or other social welfare programs.

33. Recommendations include GoI to a) accelerate the provision of disaggregated data for person with disabilities and the elderly, b) accelerate formulation of derivative regulations of the TPKS Law regarding accessibility to reproductive health services and health and special needs assistance for women with disabilities and elderly women, and c) ensure the implementation of the Elderly Welfare Law regarding social welfare aspects, i.e. health, employment, education and training services; ease of use of public facilities including inclusive digitalization of administration; social protection and legal and social assistance.

34. To eliminate **Female Genital Mutilation/Cutting (FGM/C)** MoWE-CP has prepared a Road Map and National Action Plan for Preventing FGM/C in 2021, deliberating roles and duties of each party such as Ministries/Institutions, Civil Society Organizations, Religion-Based Organizations and religious leaders. This is also to respond to the perpetual recommendations on FGM/C to Indonesia by various human rights mechanism, including previous review cycle of UPR and CEDAW. However, the implementation of this Road Map has not been optimal. The 2021 Women's Life Experience Survey (SPPHN) showed that 21.6% of women aged 19-45 years still practice FGM/C, while 33.1% do it symbolically.^{xxxix} Studies suggest that the perpetrators of FGM/C are not only traditional healers, but also midwives, health workers who have received recognition from the National Government. It is generally carried out across rural-urban areas, socio-economic conditions and educational and occupational backgrounds.

35. Contradiction within the Minister of Health Regulation No.6/2014 is one of the contributing factors of the persisting practice of FGM/C. Whilst the Article 1 confirms that FGM/C has no medical benefits, Article 2 authorize the Health and Sharia Advisory Council in the name of respect to religious belief to provide guideline to “perform female circumcision while ensuring the safety and health of the circumcized women and without mutilating the female genital”. This contradiction is due to the strong opposition of the Indonesian Council of Ulama to prohibit female circumcision, although amongst muslim communities there are different opinion, such as the Indonesian Women's Ulema Congress (KUPI) ^{xxxix} which declares that FGM is *haram* (forbidden), and the mass-based Muslim organization, Muhammadiyah, does not recommend the practice.

36. Recommendations regarding FGM/C: GoI to a) continue implementation of the National Roadmap and Action Plan to prevent FGM/C practices in Indonesia, which is expected to eliminate FGM/C practices by 2030 and contribute to achieving SDG Goal 5, b) implement strategic programs to overcome this problem, especially to increase awareness among religious leaders and the community that all forms of FGM/C are a form of violation of women's human rights.

7. Voluntary Termination of Pregnancy and Reproductive Health and Rights

37. In conjunction with the issuance of Anti Sexual Crime Law, the revisions of Penal Code and Health Law reaffirm the access to legal and safe abortion for both cases of medical emergency and cases of sexual violence. The revisions even extend the legitimate period of accessing the service from 12 to 14 weeks of the pregnancy. However, they maintain the criminalization of abortion in general^{xxxix} and hence, discourages health workers to perform the service fearing legal sanction. Whilst derivative regulation from the revised Health Law on safe abortion is in process of formulation, health practitioners can refer to Minister of Health Regulation No. 3/2016 on the Training and Conduct Abortion Services based on Medical Emergency and Pregnancy due to rape. Nevertheless, victims of sexual violence still find difficulty in accessing the service due to the lack of information of this right when they report the case, the prolonged procedure to access the service and perspective against abortion amongst both law enforcers and health practitioners. Updated information regarding guidelines to perform the

service as well as the curriculum module on training for the health practitioners and law enforcers regarding this matter is yet to be obtained.

38. Adolescents with disabilities experience more obstacles in obtaining information and education on sexuality and reproductive health rights. Limited companionship or services available for special needs services related to contraceptives that accommodate the specific need according to their disability. Contraceptives are usually provided by their families, even without their consent and with coercion, especially for people with mental and intellectual disabilities.^{xxxiv}

39. Recommendations: Gol to a) accelerate issuance of derivative regulation to provide safe abortion services for victims of sexual violence, b) ensure the development and implementation of training curriculum module and guideline to perform the needed service, and c) ensure adequate budget allocation and infrastructure for the provision of safe abortion services and reproductive rights, d) ensure provision of affirmative measures to ensure people with disability could enjoy fully the sexual and reproductive health rights.

8. Right to Life (Article 6)

40. **Death Penalty.** Komnas Perempuan appreciates the Presidential Decree No. 1/G Year 2023 on 13 March 2023 providing clemency for MU who has been on the death row for more than 22 years. With this clemency, there are at least still another 10 women and 389 men on death row as recorded by The Directorate General of Corrections (Ditjen PAS) in 2021. Including, MJV, a woman victim of trafficking in person for the purpose of drug trafficking. Komnas Perempuan welcomes Gol's plans to hold coordination meetings in January 2024^{xxxv} to prepare the process for testimony of MJV following the approval of the Philippine government of MJV's testimony. The testimony process is in accordance with the Mutual Legal Assistance in Criminal Matters (MLA) which is carried out in written interrogatories. The progress to annul death penalty is also evident in the revision of Criminal Code 2023 that regulates commutation of death sentences. The implementing regulations are yet to be issued. Komnas Perempuan's visits to women prisoners on death row in 2023 found the urgent need to provide mental health assistance, which is rarely available.

41. **Femicide.** Gender-based murders of women reported by police as general crimes and disaggregated data is not available. Komnas Perempuan's online media monitoring (2022) recorded 307 cases of murder of women, and 84 were suspected to be cases of femicide by intimate partners (husbands or former partners). A total of 73 intimate partner femicides occurred in the victim's private space or residence and 10 cases were outside home and one was unidentified.^{xxxvi} Monitoring by Komnas Perempuan also noted that ignoring and/or protracted handling of domestic violence cases has the potential to lead to suicide which is a form of indirect femicide.

42. Recommendations: Gol to a) regulate procedures for implementing the commutation of the death sentence accompanied by policy steps for the complete and immediate abolition of the death penalty, b) ensuring access to mental health services for the psychological and psychological conditions of death row inmates on waiting lines by providing guarantees of assistance specifically for experts, c) encourage the Indonesian police to sort gender-based murder data and develop indicators of femicide cases along with resource allocation through the

establishment of the Police PPA Directorate, d) review legislation related to articles on homicide to also consider femicide cases, e) develop early warning system in handling domestic and sexual violence of cases that potentially lead to suicide; f) provision of comprehensive mental health assistance and restitution services for families of femicide victims and establishing a femicide watch.

9. Right to be Free from Torture (Article 7 and 10)

43. Condition of Women Detainees/Convicts. Komnas Perempuan commends the Law No. 22 Year 2022 on Correction that has a specific attention to women in her reproductive function. It regulates the implementation of rights to maternity where the child up to three years can stay with the mother in a specific facility, and also dispensation from solitary cell when the women detainees or prisoners are having their menstruation, pregnancy, delivering child or breast feeding. However, in Komnas Perempuan's visit to several female prisons and/or detaining center, we found that the conditions are generally overcrowding, with poor lighting and air circulation. Women prisoners/detainees are complaining about (1) scarcity of clean water that lead to skin and groin itching, 2) having to buy their own drinking water and sanitary napkins; (3) limited medicines in prisons, including for common disease like malaria; (4) in certain institutions, absence of places of worship according to their religion; (5) obstacles in accessing information related to remission and fulfilling remission rights; (6) limited number of female prison officers so that women's cells are guarded by male prison officers that increase the risk of sexual violence; (7) unavailability of medical and psychological services women prisoners/detainees who are also victims of violence, (8) limited support for maternity rights including provision of only one sanitary napkin per day, lactation rooms and specific facility or room for mothers and children.

44. Recommendations: Gol to a) ratifying the OPCAT, b) integrate prevention of torture into the revision of Criminal Procedure Law, c) carry out capacity building for law enforcers in carrying out case investigations without using torture based on the principles of integrity, legality, and implementing investigations based on science and technology (Scientific Crime Investigation) d) better implementation of Bangkok Rules related to fulfilling the rights of women prisoners/detainees, and e) support the initiative of NPM through strengthening KuPP.

45. Komnas Perempuan recognizes the efforts of national campaign against shackling in following up The Law 18/2014 on Mental Health that prohibits shackling against persons with mental disabilities and/or mental disorders. However, in many regions data on cases of shackling is not available, particularly in remote areas. Hence, Komnas Perempuan recalls the recommendation of ICRPD Committee to Gol to (a) Prohibit the use of shackling, seclusion and all forms of restraints in all settings, including within families and in social care institutions, and develop and promote non-coercive, community-based mental health supports and services; and (b) establish an independent monitoring, safeguards and complaints mechanism that is accessible to all persons with disabilities in all settings, to receive complaints, investigate and sanction institutions, centers and perpetrators of harmful and forced practices, violence, neglect, cruel and degrading treatment.

46. **Corporeal Punishment.** Komnas Perempuan is concerned about the persisting conduct of public caning as a legitimate form of punishment in Aceh Province since 2003 that was strengthened in 2014 through the Islamic Criminal Law (Qanun Jinayat). Whilst the conduct of caning is claimed to be focusing more on making the convicts ashamed than physically suffered, the impacts are different from man to woman. Since the law is on moral crimes and women are considered as the symbol of morality, the psychological impact of facing the punishment before the public and subsequently being ostracized by the community. Komnas Perempuan also objects the adoption of both public caning and chemical castration as forms of punishment for sexual violence as regulated under Qanun Jinayat and Law No. 17 Year 2016 on child protection. Komnas Perempuan strongly advocates annulling both forms of corporeal punishment from the Indonesian legal system.

10. Migration and Refugees

47. **Migration.** The Indonesian Migrant Workers Protection Law (PPMI Law) promotes the protection and fulfillment of the rights of Indonesian migrant workers. However, the Law no. 11/2020 on Job Creation and its implementing regulations including Government Regulation Number 5/2021 on the Implementation of Risk-Based Business Licensing hinder its implementation. Lack of supervision and licensing of the Indonesian Migrant Worker Placement Companies (P3MI) led to potential exploitation and violence against Indonesian migrant workers. Also, Decree of the Head of the Indonesian Migrant Worker Protection Agency (BP2MI) No. 214/2021 on Guidelines for Implementing the Exemption of Placement Fees for Indonesian Migrant Workers has violated the mandate of placement fees exemption as guaranteed in Article 30 Paragraph (1) of the PPMI Law that advocate for zero-cost policy.

48. Abuse and other forms of human rights violations experienced by Indonesian women migrant workers are still commonly reported amidst efforts to implement PPMI Law. Cases reported include physical, psychological, and sexual violence, such as sexual harassment, rape, and forced prostitution. Also, cases of trafficking in persons, debt bondage, threats and extortion, violations of the right to information, document manipulation and/or confiscation, all of which occur from recruitment process to repatriation. The indications of torture practice against women migrant workers also found in shelters during placement process (Komnas Perempuan's monitoring, 2022). This condition is regrettable considering that Indonesia has ratified the Convention against Torture through Law No. 5/1998.

49. Recalling Gol's commitment in the UPR Cycle IV, Komnas Perempuan recommend Gol to a) strengthen the mechanisms to monitor legal and institutional frameworks relating to migrant workers and their families protection; b) carry out intensive supervision on the implementation of migrant workers settlement, including enforcing strict sanctions for those who commit violations of existing laws and regulations, c) ensure standard operating procedures for preventing sexual violence comply with Law No. 12/2022 on the Sexual Crime and ILO Convention 190 concerning the Elimination of Violence and Harassment in the Work Sphere, and d) provide access to justice and remedies for women migrant workers experiencing violence and abusive working situations.

50. **Internally Displaced Persons (IDPs).** Komnas Perempuan continue to monitor the situation of women who are internally displaced due to various reasons, including in the context of forced expulsion of 7,000 members of the Gafatar Group from Mempawah, West Kalimantan in 2016^{xxxvii}; in the aftermath of earthquakes, tsunami, and land liquefaction in Palu, Donggala and Sigli, Central Sulawesi in 2018-2019^{xxxviii}; and relation to armed conflict in Nduga, Papua in 2019, and members of Ahmadiyya community who have been displaced for almost two decades. The monitoring reconfirmed the vulnerability women IDPs to various violence, including sexual assaults and trafficking, various forms of discrimination in accessing basic services and impoverishment for losing their assets. Assistance for handling gender based violence is rare and may resulted in prolonged suffering of the victims.

51. **Refugees.** Indonesia is a transit for refugees awaiting placement to destination countries, although we have not ratified the 1951 Convention and Protocol 57 yet.^{xxxix} However, the right to seek asylum is recognized by the Indonesian Constitution Article 28G (2), Article 28 of Law No. 39/1999 on Human Rights Law. In 2016, Presidential Regulation No. 125/2016 on Handling Foreign Refugees^{xl} was issued. Although the regulation leads to positive developments with a structured mechanism to receive and manage refugees, it does not include the specified and straightforward clause regarding protection to rights of refugees in Indonesia.

52. Komnas Perempuan's preliminary findings through monitoring in 2 districts in West Java (2023) show that women refugees are very prone to legal matters occurring in the community. They experience sexual abuse (domestic, physical, and mental abuse), violation of non-refoulment principle, reproductive health rights, and private law matters (religious marriage and divorce). They also felt depressed and some of them had constant allergies, migraines, and reproductive health problems such as irregular menstruation, cyst, etc. They still must take care of their children, husband, and parents while having several medical conditions. Refugees living in Indonesia are subject to minimum access for health facilities because of inability to purchase. Refugees are not included in national based insurance/free health care mechanisms while they are not allowed to work to obtain income. Other obstacles include language barriers, administrative obstacles related to civil documents, considering that most of their marriages are undocumented marriages. Consequently, women victims do not have any other documents/certificates such as birth certificates. Moreover, they worry, it will hinder the resettlement process when entering the legal process.

53. Amidst the distressing situation faced by Rohingya refugee that are facing rejection to land in Aceh since end of 2023, Komnas Perempuan regrets the attacks and forced removal from temporary shelters by a group of students in Aceh against Rohingya refugees, experienced by majority of women and children.^{xli} This attack shows that the refugees are not only being under constant threat of persecution due to their conditions, but also living under the threat of violence, whether perpetrated by authorities or community members. Violence also happened within their family, including but not limited to trafficking in persons and sexual violence.

54. Recommendations: Gol to a) ensure the availability of services for fulfilling the basic rights such as education, health including women's sexual and reproductive health, as well as handling violence against women and children in refugee camps, b) immediately strengthen coordination across sectors and regions in ensuring comprehensive steps in responding to the

conditions of refugees, and c) provide access to remedies services for refugee women who are victims of violence (domestic violence and sexual violence).

11. Access to Justice, Independent Judiciary, and Fair Trial

55. **Women's Access to Justice.** The Gol has developed a national legal aid system to implement the Legal Aid Law. Between 2022-2024 period there are 619 legal aid organizations that are verified and accredited and can access legal aid funds.^{xliii} The budget is applied mostly to women suspects, and the case cost is calculated without considering different rate of cost according to geographic location. Hence, it is more difficult for poor women in areas outside Java and the islands to access the aid.

56. Komnas Perempuan appreciates issuance of Supreme Court Regulation (Perma) No. 3/2017 on Guidelines for Trying Cases of Women Before the Law and Attorney General's Guidelines No. 1/2021 on Access to Justice for Women and Children in Criminal Prosecution, which provides guidance for judges and prosecutors in fulfilling women's rights to justice. However, there are no similar guidelines at the police level that are actually the front keeper of access to justice.

57. Komnas Perempuan's research (2021) on the Implementation of Perma No. 3/2017 on Guidelines for Trying Cases of Women Before the Law in five regions, namely the Riau Islands, Central Kalimantan, Jakarta, Central Java, and Maluku identified obstacles for its implementation. Amongst which are the limited capacity building programs, availability of budget, facilities and infrastructure for assistance, such as for the provision of psychologists, translators or assistants for disabilities, and difficulty in multi-stakeholders coordination, particularly when the case is tried in the military justice system.

58. Komnas Perempuan observes the impact of current practice of judicial review process at the Supreme Court to women's access to justice. Unlike the Constitutional Court, Supreme Court does not regulate process that enable parties to substantively participate in the debate of the regulations requested to be reviewed. The disadvantageous impact can be observe in the decision of Supreme Court to annul joint regulation of Ministry of Home Affairs, Ministry of Education, and Ministry of Religious Affairs to prohibit obligation to wear religious attire at educational institutions. The joint regulation was issued as a response to complaint made by non muslim female student who was forced to wear veil according to the school regulation in reference to the present of similar regulation at municipality level.

59. Recommendations: Gol to a) encourage the police to issue specific guidance for investigate cases of women before the law, b) increase legal aid budget to support both suspects/defendants and victims' rights to justice, c) provide adequate budget with affirmative approach based on geographical situation, c) update the Criminal Procedural Code, d) revise the law to enable private crime conducted by military personnel to be tried in public court, and e) encourage more accountable and participatory judicial review mechanism at the Supreme Court

60. **Access to Justice for Women with Disabilities who are Victims of Sexual Violence.** Most of violence against women with disabilities is committed by the members of family or

intimate person.^{xliii} The reported number does not reflect actual reality of their experience because many of the cases are not reported due to various reasons, including lack of access to report despite the presence of the Government Regulation No. 39/2020 on the Adequate Accommodation for Persons with Disabilities Before the Law. Evenmoreso for women with intellectual disabilities and mental disabilities who are victims of sexual violence due to a) the absence of companion according to their special needs, b) law enforcers perception regarding the impact of their disability to their legal capacity, c) unavailable financial assistance to gather evidence, such as to perform DNA test, and d) limited support from the family who may feel ashamed and therefore cover up cases of sexual violence, such as to marry women with psychosocial disabilities who are victims of sexual violence with the perpetrators.

61. Recommendations: Gol to a) implement Government/Presidential Regulation derived from the TPKS Law regarding assistance according to the special needs of women with disabilities who are victims of sexual violence, free DNA testing, and reproductive health education, b) expand access to mental health assistances in remote areas and small towns outside the island of Java.

12. Freedom of Conscience and Religious Belief (Pasal 2, 18, 26)

62. As mentioned in par 11 of this report, infringement of the rights to freedom of religious belief and discrimination against religious groups and minority beliefs continues due to the preference for 6 religions adhered by the majority of the population, as an impact of the existing Law **Law No. 1/PNPS/1965 on the Prevention of Religious Abuse and/or Defamation (Religious Blasphemy Law)**. The discriminations are evident in regulation related to state's position on particular belief such as in the case of Ahmadiyya and Syiah, as well as public administration aspect through the differentiation of treatment in registering religion/beliefs experienced by religious/faith minority groups. These situation leads to the reduction, if not denial, in other civil, political, economic, social and cultural rights that is linked directly to public administration. Women experience specific impacts, particularly in relation to the access to register their marriage.

63. Whilst supporting Gol's effort to strengthen religious tolerance through various programs, Komnas Perempuan in view that the regulation on requirements for building house of worship has disadvantageous impact to the religious/minority groups. Besides difficulty of having house of worship, threat to experience attack is immanent. Komnas Perempuan records the impacts women suffered from attacks to their religious/faith minority community, including sexual and physical violence, but also their concern related to their role to be duty bearer for passing the teachings of values and their faith practices to their children.^{xliv} Komnas Perempuan records also that many of the complaints on difficulty to build house of worship are not resolved, including those that have acquired court decision of legal right to build one.^{xlv} In addition, the political resolution being reached may not reflect the aspiration of the most affected community, leaving the deep frustration in the community^{xlvi} to the state's commitment to uphold the vision of governing Indonesia as a state according to law and principle of non discrimination. Furthermore there is a concern on the situation in Aceh that with its special autonomy authority to enact sharia bylaws, there is a local regulation prohibiting conversion from Islam and

additional requirement heavier than national regulation for establishing house of worship for other religions than Islam.

64. Recommendations to Gol to : a) prioritise revision of laws and regulations that has been identified to infringe freedom of religion, not limited to the Religious Blasphemy Law, regulation on Ahmadiyya and on requirement to build house of worships; b) improve mechanisms to provide access to public administration with principle of non discrimination, including based on faith/religion, and c) develop programs for comprehensive recovery of victims of religious intolerance, with specific measures to women's needs and vulnerabilities.

13. Freedom of Expression

65. Revision of Law Number 11 of 2008 concerning Information and Electronic Transactions (IET Law) is important to strengthen the protection of the rights to expression. However, Komnas Perempuan shares the concern with civil society organisations about the lack of transparency and meaningful public participation in the process.^{xlvii} Hence, it is arguable affected the quality of the revision, including the retaining potential of infringing freedom of expression, over-criminalizing and neglecting the obligation to fulfil victims' rights. Komnas Perempuan recorded at least 4.8749 cases reported on online sexual violence, particularly through the non-consensual distribution of intimate images that resulted in deep psychological impact to the victims and in possible criminalization of the victims under the IET Law 2008 and Anti Pornography Law. Komnas Perempuan regrets that the revised article did not respond to this problem. Likewise the article on defamation that is utilised to criminalize women victims who in their frustration advocate for their case through online measures.^{xlviii}

66. **Women Human Rights Defenders (WHRDs).** The retaining potential of over criminalization and infringement to rights of expression in the dame of defamation within the amended IET Law post a specific risk to WHRDs. As observed in the previous years, article with multiple interpretations of the EIT Law particularly Articles 27 and 28 were often used as a basis for criminalizing WHRDs.^{xlix} Attacks on WHRDs were also occurred through cyber, such as doxing, hacking, stalking, persecution, slander, and denial-of-service attacks on WHRDs' organizations or online media that report or highlight cases of violence against women. Law enforcers often ignore the context occurs in criminalization efforts carried out by interested parties.

67. In the period 2013-2023 there were 101 reported cases of violence against WHRDs which directly targeting body, sexuality or gender identity of WHRDs as a woman, occurring directly or even using social media or other internet media. WHRDs are increasingly vulnerable when dealing with Papua issues.^l Komnas Perempuan^{li} has published a Security Protection Manual for WHRDs to develop protection strategies, provide knowledge and tools for WHRDs to increase understanding of safety and protection for both themselves and their institutions. In December 2023, Komnas Perempuan, Komnas HAM, and LPSK signed a Memorandum of Understanding (MoU) regarding a Rapid Response Mechanism for HRDs Protection including WHRDs, in response to the absence of protection policies for them.

68. Recommendations: Gol to a) review and improve the amendment of IET Law by taking into accounts all concerns raised, particularly to reduce over-criminalization and to endorse

fulfilment of victims' rights b) moratorium of legal cases against WHRDs and conduct thorough review of the cases, c) encourage the Police to prevent all forms of violence against WHRDs, dutifully convicts both state and non-state actors perpetrating violence against WHRDs, d) develop remedies for WHRD victims of violence, and e) immediately issues policies on protection to WHRDs, including freedom of speech and provision of support for recovery.

69. Implementation of the Pornography Law. Komnas Perempuan's study of the implementation of the Pornography Law between 2008-2014 and 2014-2021 through 78 court decisions across Indonesia found that this law has potential to make women victims of sexual exploitation and non-consensual distribution of intimate images vulnerable to be criminalized. The law has been heavily protested for being infringing freedom of expression in relation to show publicly parts of body considered as violation to public decency, and to criminalize the distribution of sexual content without evaluating the power inequalities in both the production or distribution of the content. The revision of Criminal Code adopts the provision of Anti Pornography Law, including the provision of sexual exploitation that is contradictory to the provision of similar crime according to Sexual Crime Law. Since the Anti Pornography Law is commonly used in conjunction with IET Law, the revision of both laws is necessary to ensure the protection of freedom of expression as well as rights to legal protection.

14. Minority Rights

70. Findings of Komnas Perempuan 2023 Annual Report that women of indigenous people is one of the vulnerable groups that suffered the further impact of the delay on the recognition and protection of indigenous people. The development and expansive infrastructure policy has the tendency to neglect the due diligence procedures to ensure the fulfilment of women human rights and consequently, contributes to various forms of violation and discrimination toward women indigenous people. One of the cases is experienced by women of indigenous community in relation to development of dam as national strategic projects. Whilst agreeing on the need to have a dam, the unthorough consultation process neglected the concerns of women of indigenous groups. One of the concerns is the change of land ownership scheme: the government solution to compensate the land in accordance to the size of land and crops attend by each family is not compatible with the long tradition of collective rights that governs the identity of Nagakeo indigenous community. There is also a concern regarding the loss of site of worship according to the indigenous belief, fear of bad karma for destruction of or not being able to attend to ancestral graves, besides loss of sources of livelihood due to the project. Women of indigenous community who are the duty bearer to pass the wisdom of indigenous faith, language and system of thoughts and values are deeply worried with the long-term impact of such arrangement.

71. Komnas Perempuan's concern on women 's situation, who are enduring multiple discriminations, such as seen in Papua where women suffers from high maternal mortality rate,^{lii} malnutrition and stunting, HIV/AIDS as well as sanitation and mental health issues.^{liii} The uneven distribution of health facilities and limited transportation infrastructure, lack of integration services on HIV and GBV, worsened by the rampant corruption are factors that influence the quality of life of Papuan women. The ongoing and intensifying armed conflict has also significantly

deleterious effects on health service, as well as many other public services. Furthermore, the racial tension in 2019 has been heightening the distrust against the national government, and all the accumulation of disappointment led to the high reluctance of Papuan communities in accessing the health services, for example, rejection to vaccine or test during Covid-19 pandemic.

72. Recommendations: GoI to a) issue the Indigenous Peoples law to better recognize the existence of indigenous communities and promote human rights-gender based approaches in conflict resolution efforts and substantive participation in order to ensure the fulfilment of constitutional rights of individual indigenous people and as a community; b) review the policy for securing national strategic projects and strengthen the consultation process with affirmative measure to address the concerns of indigenous women, c) avoid using the excessive force by law enforcers and security personnel; c) prioritize the sustainable development perspective, respecting and fulfilling women's human rights and engaging affected women in accordance with the UN principles on *Free and Prior Informed Consent*, including in their national strategic projects, d) encourage peace dialogue to respond to conflict situation in Papua and e) expedite measures to substantively assist the life condition of Papuan Women

ⁱ Komnas Perempuan is established as an implementation of the Constitutional guarantee of non-discrimination principle and to uphold human rights, as well as the Law No. 7 year 1984 ratifying CEDAW and Law No. 5 Year 1998 ratifying CAT. Following the Paris Principles for NHRIs, Komnas Perempuan's independence and mandates are authorized through the Presidential Decree No. 181/1998, which was then strengthened through President Regulation No. 65/2005 and later by Presidential Regulation No.8/2024. Komnas Perempuan's works are focusing on the fulfillment and strengthening of women's rights and on creation of situation conducive to eliminate all forms of violence against women in Indonesia. In preparing this report, Komnas Perempuan consulted with various stakeholders, such as CSOs, service provider institutions for women victims of violence, and representatives from governmental institutions, and conducted field visits to update several concerning issues.

ⁱⁱ The cases reported to Komnas Perempuan have increased significantly by 323% from 1,353 cases in 2016 to 4,371 cases in 2022, equivalent to 17 cases per day.

ⁱⁱⁱ Komnas Perempuan is currently operating with 15 commissioners. Since 1998, it is supported by 45 staff who are led by a Secretary General. With the new regulation, Komnas Perempuan can add another 50 staff to support its work and expects to have an increase in budget.

^{iv} KuPP's members are the National Commission on Human Rights (Komnas HAM), Komnas Perempuan, the Indonesian Child Protection Commission (KPAI), the Witness and Victim Protection Agency (LPSK), and Ombudsman (ORI) and in 2023 also joined by the National Commission on Disabilities (KND)

^v The new Criminal code (1) expands the definition of rape that is not limited to penile penetration and considers the specific vulnerabilities of women to sexual violence; (2) expands access to legal termination of unwanted pregnancies for women victims of all sexual violence; (3) reduces the criminal sanction for women who throw away their children shortly after birth because they are afraid that the birth of the child will be known to others, (4) explicitly refers to the Sexual Violence Crime Law (TPKS Law) in the handling of cases of sexual crime to ensure victims can enjoy their rights as regulated in the TPKS Law; (5) reforms the regulation of prison sanctions, among others, is to prevent over-crowding of prisons/remand centers, conditions that place women prisoners, especially pregnant women prisoners, mothers and breastfeeding babies, increasingly vulnerable to violence, inhumane treatment and neglect of maternity rights. The purpose of the reforms are (a) Prevention of criminal acts; (b)

Correctional/rehabilitation; (c) Conflict resolution, restoration of balance and creation of a sense of security and peace; (d) The growth of the convict's remorse.

^{vi} These concerns were conveyed by Komnas Perempuan in its letters to various human rights mechanisms and to the Indonesian government as of 22 November 2022, as well as the public through press release during the deliberation of the Bill.

^{vii} Information confirmed in the consultation to prepare submission for Call for input to the report of the Special Rapporteur on human rights defenders to the General Assembly on the challenges faced by women human rights defenders working in conflict, post-conflict or crisis-affected settings (May 2023)

^{viii} Komnas Perempuan, 2021.

^{ix} Komnas Perempuan Annual Notes on Violence against Women (CATAHU) 2017 recorded 106 types of violence against women in the realm of domestic violence/personal relations based on GBV Service Institutions. CATAHU 2018 recorded 140 cases, and CATAHU 2019 as many as 20 cases (District Court (PN) 2 cases, Women and Children Service Unit of The Police (UPPA) 1 case, Hospital 1 case, Women's Crisis Center (WCC)/Civil Society Organizations (CS)) 16 cases). CATAHU 2020 recorded 9 cases (PN 2 cases and WCC and CSO 17 cases), CATAHU 2021 recorded 11 cases (PN 2 cases, CSO 5 cases, Integrated Service for Women and Children Empowerment (P2TP2A) 4 cases). Direct complaints to Komnas Perempuan recorded 4 cases of violence against domestic workers in 2017, 3 cases in 2018, 3 cases in 2019, and 17 cases in 2020, while in 2021 there was 1 case recorded.

^x The commitment was stated by GoI's acceptance to recommendations for the ratification made by various international human rights mechanisms, including in the Cycles 2 and 4.

^{xi} According to Komnas Perempuan's study, this situation is due to 1) the weak policies that do not accommodate gender perspectives and understanding of power relations; 2) the limited capacity of law enforcement officials in implementing restorative justice with a victim perspective, for example many cases of violence against women reported to the police are returned to be resolved using social mechanisms, through traditional institutions and village authority; 3) remedy for victims is still understood to be limited to compensation and apology since no remedy's SOP or regulation in place yet; 4) many traditional leaders do not understand restorative justice and there is no capacity strengthening for implementers or members of traditional institutions to handle cases of violence against women; 5) not all government's service providers on GBV understand restorative justice, it is understood only as mediation; and 6) the family situation, education, economy and status of the victim influence the victim's choice and decision to use the restorative justice mechanism.

^{xii} Komnas Perempuan receives complaint reports regarding cases of obstacles to activities at mosques (houses of worship), including in the areas of Garut, Sukabumi, Sintang, Depok, Papua, etc.

^{xiii} Joint ministerial regulation of Ministry of Home Affairs and Minister of Culture and Tourism no 41/43 year 2009 on Guidelines to Provide Service to Adherents of Beliefs.

^{xiv} Because marriages of adherents of beliefs can be registered with the requirement that the belief's leaders be registered with an organization authorized by the state. Organizing is a right that cannot be enforced, while the diversity of forms and structures of indigenous communities has not been uniformly accommodated in the form of organization required by the state. This arrangement has an impact on obstacles to registering marriages of adherents. This arrangement is outlined in Article 39 of Presidential Regulation No.40 of 2019. To obtain marriage registration, women adherents must join organizations, which is actually a right. However, with these requirements, organizing becomes an obligation for adherents, a condition that is not applied to citizens who adhere to other religions. Barriers to marriage registration for women have a further impact on important documents (birth certificate, family card, etc.) which also have an impact on access to public services such as health, education, politics, etc. which require the necessary documents.

^{xv} Komnas Perempuan received information that more than 80 Sundan Wiwitan women do not have registration data (marriage certificate, birth certificate). Monitoring results of Komnas Perempuan, Cigugur Kuningan, July 2022.

^{xvi} Komnas Perempuan received complaints from transwomen in Bekasi and North Aceh in 2018. The incidents in North Aceh started with raids on several beauty salons in Lhoksukon Village and Pantan Labu Village, Jamboe Aye District, North Aceh Regency. North Aceh Police, Wilayahuh Hisbah (WH) and the Public Order Agency (Satpol PP), as well as a number of residents arrested seven transgender. The police also took actions outside their authority as law

enforcement officers. In responding to the complaint, the police transferred members of the police in question. On 23 November 2018, two transgender victims in Bekasi were stripped naked, beaten with an iron rod on the back, kicked on the right arm and waist with shoes, and punched in the mouth, temples, eyes and chest. Victims also experienced psychological violence as they were threatened to be burned, verbally abused, and accused as the cause of disasters. This persecution was carried out by around 60 people from an unknown community organization. In 2018, a transman was arrested because he was considered to have attempted the murder of the child he gave birth to. He was sentenced to prison, and separated from the child without information of his child's being adopted. In 2020, a transwoman was burned alive by a group of people because she was thought to have committed theft. Due to this incident, Komnas Perempuan asked the police to investigate it thoroughly, and the National Police Commission (Kopolnas) carried out monitoring of police performance. The perpetrator was arrested and jailed. (<https://www.thejakartapost.com/news/2020/04/06/trans-woman-burned-to-death-in-north-jakarta.html>). Komnas Perempuan in 2021 recorded 1 (one) case of Conversion Therapy in the form of rape against a woman with the aim of correcting her sexual orientation.

^{xvii} In Komnas Perempuan's documentation, 18 policies are recorded that directly and indirectly contain discrimination and even the potential for criminalization/punishment simply because of the sexual minority status attached to them. One of which is Bogor Regional Regulation No. 10 of 2021.

^{xviii} From a meeting with the Papua District Health Office at the end of 2021, information was obtained that the health office had developed disaggregated data based on indigenous Papuans and non-Papuans. However, this data has not been disaggregated by gender to show its accuracy.

^{xix} Komnas Perempuan began recording data on women victims of violence with HIV/AIDS regarding their access to services in 2020 through CATAHU.

^{xx} Law No. 5 of 2018 on the Criminal Act of Terrorism, Government Regulation No. 35 of 2020 on Amendments to Government Regulation No. 7 of 2018 on Provision of Compensation, Restitution and Assistance to Witnesses and Victims, as well as Presidential Regulation on the National Action Plan for Prevention and Countering Violent Extremism that Leads to Terrorism in 2020-2022. In the regions there is a Governor's Decree Regulation for integrated teams, but not in all provinces. In East Java and West Java there are teams to handle terrorists. Komnas Perempuan consultation with the National Counter-Terrorism Agency (BNPT), January 2022.

^{xxi} The team consists of practitioners, academics, and non-active military members to implement the Presidential Decree. There are 12 gross human rights violations to be responded by the team, including the Tragedy of 1965-1966, mysterious shootings in 1982-1985, Talangsari incident in Lampung in 1989, Rumoh Geudong and Pos Sattis incidents in Aceh in 1989, forced disappearances in 1997-1998, riots in May 1998, Trisakti and Semanggi I and II in 1998-1999, the murder of witch doctors in 1998-1999, Simpang KKA in Aceh in 1999, the Wasior incident in Papua in 2001-2002, the Wamena incident in Papua in 2003, and the Jambo Keupok incident in Aceh in 2003. The responses according to the recommendations are 1) To express recognition and regret for past serious human rights violations; 2) Carry out actions to re-arrange history and formulate events as the state's official version of a balanced historical narrative while taking into account the human rights of those who have been victims of the events; 3) Restore the rights of victims of other serious human rights violations that are not within the scope of the PPHAM Team's mandate; 4) Carry out data collection on victims; 5) Restore victims' rights in two categories, namely constitutional rights as victims; and rights as citizens; 6) Strengthen the fulfillment of state obligations towards the recovery of victims specifically on the one hand and strengthening national cohesion more broadly on the other hand. It is necessary to develop alternative efforts for cultural harmonization of the nation; 7) Carry out resocialization of victims with the wider community; 8) Create state policies to ensure that incidents of human rights violations do not occur again; 9) Build memorabilia that is based on adequate historical documents and is a warning so that similar incidents will not happen again in the future; 10) Carry out efforts to institutionalize and instrument human rights. These efforts include the ratification of several international human rights instruments, amendments to laws and regulations, and the enactment of new laws; 11) Develop a mechanism to implement and monitor the implementation of recommendations submitted by the PPHAM Team.

^{xxii} This view is based on experience of several victims community. For instance, in the case of Talangsari incident 1989. Komnas Perempuan recorded that in early 2019, provision of medical and psychological assistance was given to 11 victims following a peace declaration initiated by the integrated team to handle past abuses under

Coordinating Ministry of Politics, Law, and Security and attended by representative of the Lampung Legislative Council (DPRD), the Coordinating Ministry for Political, Legal and Security Affairs, Komnas HAM, and LPSK. This initiative received protest. In its review, the Indonesian Ombudsman considered the initiative is a practice of mal-administration with exclusion to some victims and not in accordance with the Law No. 26 of 2000 on Human Rights Court. <https://ombudsman.go.id/news/r/ombudsman-deklarasi-damai-kasus-talangsari-maladministrasi>. Also complaints from victims communities and human rights groups in Aceh about the limited substantive participatory process in relation to the event of kick off of the non-judicial program in June 2023.

^{xxiii} This concern has been raised to Coordinating Minister on Politics, Law and Security who led the non-Judiciary team in two separate events in October and November 2023.

^{xxiv} Komnas Perempuan also noted that there were no further developments regarding the recommendations from the Truth and Friendship Commission, Indonesia - Timor Leste, especially regarding the establishment of a Missing Persons Commission whose task was to carry out searches and reparations for children who were forcibly disappeared in 1975-1999. However, alternative efforts have been made to meet (reunite) stolen children with their families in Timor Leste. This activity was initiated by Asia Justice and Rights (AJAR) which is supported by the governments of both countries. To date, around 86 adult children (12 girls and 74 boys) have met their families in Timor Leste. However, their problems relating to discrimination, trauma, and psychological disorders as well as economic, social and cultural difficulties have not been adequately addressed. <https://asia-ajar.org/press-release/indonesiatimor-leste-the-eighth-civil-society-led-reunion-to-reunite-timor-lestes-stolen-children/>

^{xxv} https://kkp.acehprov.go.id/media/2023.12/buku_laporan_peulara_damee1.pdf

^{xxvi} Four Indonesian NHRIs, including Komnas HAM, KPAI, Komnas Perempuan, and KND, synergistically prepared recommendations for the Government Regulation Draft on Coordination and Monitoring of the TPKS Law and ensured the spirit of Article 26 of the Covenant on the right to equal legal protection without discrimination (on the basis of gender) is integrated.

^{xxvii} In the last 3 years (2020-2022) data in Komnas Perempuan Annual Compilation Report (CATAHU) showed that domestic violence is the highest among violence against women cases reported. There are 895.698 (99%) domestic violence cases out of 904.340 GBV. The details form of violence reported to Komnas Perempuan and service institutions, there is a significant increase from 7,884 cases in 2020 to 10,187 cases in 2022. The highest number is violence against wives (10,927), followed by dating violence (7,208), violence against children (3,066), ex-boyfriend violence (2,614), ex-husband violence (480) and violence against domestic workers (29) and other violence (1,1517). Relating to child marriage there is an increasing number of marriage dispensations by 3 times, namely 23,126 cases (2019) to 64,211 cases (2020). Likewise, the number of cases of cyber (online space) gender-based violence reported directly to Komnas Perempuan increase sharply (1600%) from 940 cases in 2020 to 1697 cases in 2022. In the personal domain, complaints of domestic violence cases to Komnas Perempuan show that domestic violence continues in the form of criminalization of victims, exploiting the vulnerability of mothers' immigration status in terms of mixed marriages and childcare conflicts.

^{xxviii} From 127 elderly women who were victims of violence including those experienced in the domestic domain (100 people), the public domain (24 people), and 2 people in the state domain based on CATAHU 2022.

^{xxix} Data from the Indonesian Ministry of Social Affairs (2022) shows that the majority of elderly people live with their families or with three generations in one house. In detail, 40.64% of elderly people live with three generations in one house; 27.3% live with family; 20.03% live with a partner, and 9.38% live alone.

^{xxx} The study conducted in collaboration with partners in 5 districts and 4 provinces supported by UNFPA and the Government of Japan is entitled "Hidup dalam Kerentanan dan Pengabaian: Urgensi Pemenuhan Hak Layanan Kesehatan Reproduksi dan Seksual terhadap Perempuan Penyandang Disabilitas dan Lansia"..

^{xxxi} This survey confirms the study by Komnas Perempuan back in 2017-2018 that FGM/C was still carried out in 17 (seventeen) districts of 10 (ten) provinces.

^{xxxii} KUPI was initiated by prominent muslims scholars and community leaders who share the belief of gender justice as part of the essence of Islam teaching. In formulating its *fatwa*/guidance, KUPI deploys an accountable process of text interpretation within the tradition of Islamic law in its search for Islamic, nationalistic and humanitarian values.

^{xxxiii} The right to obtain safe abortion services is excluded for victims of sexual violence that results in pregnancy in accordance with Law No. 1 of 2023 on Criminal Code Article 463:

(1) Every woman who has an abortion is punished with a maximum imprisonment of 4 (four) years.

(2) The provisions as intended in paragraph (1) do not apply if the woman is a victim of a crime of rape or other crime of sexual violence that causes pregnancy whose gestational age does not exceed 14 (fourteen) weeks or has indications of a medical emergency.

^{xxxiv} For people with certain disabilities, they experience difficulty when putting on and taking off condoms; when taking hormones due to other drugs being consumed and so on, information, skills and support need to be provided. Komnas Perempuan received information of cases of people with mental (psychosocial) and intellectual disabilities experiencing forced sterilization. Komnas Perempuan. 2019. *Risalah Kebijakan Perempuan dan Disabilitas: Apakah Kami Aseksual?.* Jakarta.

^{xxxv} Komnas Perempuan has been struggling for the release of MJV and MU from the death penalty. In the MJV case, Komnas Perempuan held meetings with the government, experts and victim assistance organizations to explore legal opinions for the MJV case, both outside and inside the judiciary. In August 2021, there was a meeting with the Ministry of Foreign Affairs, Ministry of Law and Human Rights and the Presidential Staff Office to ensure that the MJV testimony process for trafficking cases in the Philippines could be carried out online in Indonesia.

^{xxxvi} This means that 86.9% of femicides occur in the private domain and this shows women's vulnerability to the risk of femicide even though they are at home, a space that is "constructed" as the "safest" place for women.

^{xxxvii} Being labeled as heretic and subversive, members of Gafatar community were evacuated out of West Kalimantan after their homes were attacked and burnt down. Before being forcibly evicted, the previous night there was a sweeping by a group of people wearing white marks on their arms.

^{xxxviii} <https://www.liputan6.com/news/read/3677328/bnpb-total-kerugian-dan-kerusakan-akibat-gempa-tsunami-di-sulteng-rp-1529-t>, accessed on 27 October 2018. Komnas Perempuan monitored displacement due to the 2019 earthquake in Central Sulawesi. 41 cases of child marriage were recorded, 73 cases of gender-based violence, domestic violence and wives experiencing mental disorders because their husbands were away (Madani Hospital); 30 cases of divorce; 12 cases of abuse of women by IDPs (North Palu, Kayu Maluwe); cases of marriage and pregnancy among children who are victims of dating violence and attempted trafficking and forced migration; 5 cases of sexual assault against child (Buluri) and the obligation to wear a veil.

^{xxxix} According to the latest data provided by the United Nations High Commissioner for Refugees Indonesia (UNHCR Indonesia), Indonesia has been a place for 12,805 registered refugees. They mostly come from Afghanistan, Somalia, and Myanmar or any other conflict country. Approx. 48 countries are also identified as origins of the refugees. From the population, 27% or 3,457 are child refugees (below 18 years old) with 1,625 of them are girls and 1,832 are boys. While 26% or 2,364 are women refugees and 1% is an elderly woman (above 59 years old).

^{xl} This Presidential Regulation regulates stakeholders roles on the identification & reception, shelter, security, and supervision of refugees who arrive in Indonesia. Although, the regulation is acknowledged as the procedure applied during the emergency reception situation; As mandated by the Presidential Regulation, the Government of Indonesia through the Coordinating Ministry of Politics, Law, and Human Rights and the Ministry of Internal Affairs has formed a Special Task Force on national, provincial, and regency level. This further helps all stakeholders to coordinate and implement the legal mechanism to receive refugees on arrival in accordance with legal frameworks mentioned above;

^{xli} <https://reliefweb.int/report/indonesia/rohingya-refugees-facing-hostile-reception-aceh>.

^{xlii} The legal aid budget continues to decline, for the 2022 budget year only Rp36,383,520,000. Based on the existing budget, there is still subordination of women victims who try to access justice. It is possible for victims to receive legal aid funds in the form of case consultation fees of Rp200,000 and non-litigation assistance Rp770,000, while for suspects/defendants it reaches Rp8,000,000.

^{xliii} According to CATAHU of Komnas Perempuan in 2023, there are at least 79 cases of violence against women with disabilities, 7 (seven) of those reported directly to Komnas Perempuan.

^{xliv} Komnas Perempuan annual report until 2022 beside specific reports on freedom of religion (2013)

^{xlv} For instance, the complaints in Singkil, on Filadelfia Church in Bekasi

^{xlvi} As conveyed by women of GKI Yasmin Congregation regarding the political resolution initiated by Bogor Municipality

^{xlvii} Komnas Perempuan has provided submission to the parliament during the deliberation process of revising the respective law. Komnas Perempuan's opinion of the revised law can be read at

<https://komnasperempuan.go.id/pernyataan-sikap-detail/pernyataan-sikap-komnas-perempuan-and-13-and-10-terhadap-pengesahan-revisi-kedua-uu-informasi-transaksi-elektronik-uu-ite>

^{xlviii} For example, the case experienced by a former honorary teacher at SMAN 7 Mataram who was the victim of sexual harassment by the principal at her place of work. She was found guilty of the crime of "transmitting or distributing indecent content" even though she made a recording of the conversation with the aim of providing evidence that she had been harassed and as a precautionary measure if something bad happened in the future.

^{xlix} Article 27 Paragraph (3) concerning Dissemination of Information and/or Electronic Documents that violate morality. Article 27 Paragraph (4) concerning insults and/or defamation through electronic media. Article 28 concerning insults and/or defamation

^l These include trolling, cyber hacking, impersonation, surveillance, cyber stalking, illegal content, online defamation, sexual messages, sexting, cyber harassment, and publication of personal information/doxing. A WHRD, was recorded as having experienced a terror attack linked to elements of her race, religion, and gender in 2021. She experienced gender-based cyber violence, in the form of hate speech targeting her sex and/or gender as a woman (gender hate speech), as well as various forms of cyber violence. Attacks were also aimed to her family. All these attacks are intended to pressure her to stop her activism.

^{li} Komnas Perempuan. 2022. Manual Perlindungan Keamanan Perempuan Pembela HAM di Indonesia. In cooperation with Protect International/Yayasan Perlindungan Insani Indonesia (YPII).

^{lii} Indonesian Statistic Bureau 2020-2022, Papua is at highest rank of MMR with 565 per 100.000 birth, followed by west Papua at the rate of 343. According to Ministry of Health Data 2023, post natal care in Papua and West Papua Province is less than 60%, and support for nutrition through school is less than 4 times a year.

^{liii} There are only two mental health facilities in all Papua and west Papua Provinces, located in Jayapura and Manokwari. Both with limited capacity, and support for medication is difficult due to lack of transportation infrastructure. Many cannot access medication and facilitation because of their administrative status or because they have been neglected by the family.