***GERAKAN PEREMPUAN PEDULI INDONESIA***

**INDONESIAN WOMEN AWARENESS MOVEMENT**

**SUBMISSION TO**

**THE CEDAW COMMITTEE**

**19 SEPTEMBER 2021**

**THE VIEWS FROM**

**INDONESIAN WOMEN AWARENESS MOVEMENT**

**REGARDING**

**CEDAW COMMITTEE’S LIST OF ISSUES AND QUESTIONS IN**

**RELATION TO THE GOVERNMENT OF INDONESIA’S 8th REPORT**

**ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN IN INDONESIA**

**INTRODUCTION**

1. Having read and paying attention to Issues and Questions in *LOIs addressed by* CEDAW Committee in the document CEDAW/C/IDN/Q/8 dated 17 July 2020; Indonesian Women Awareness Movement/*Gerakan Perempuan Peduli Indonesia* (GPPI) took the initiative and considered it was important to respectfully express the viewpoint consisting of our responses and information as Indonesian Civil Society Organizations and Women organizations Network affiliating with the GPPI, to CEDAW Committee who will be considering the Indonesian periodical report in the CEDAW 80th session on October 2021 in Geneva, Switzerland.
2. We have great expectation that our voice and view point as the stakeholders in relation to Indonesia’s commitment to CEDAW will be taken into consideration by CEDAW Committee. GPPI’s input was prepared through virtual consultations process namely “CEDAW Talk” Series and National Consultations discussing the Implementation of CEDAW after 36 years of its ratification, followed by CSOs and women organizations by inviting various stakeholders from all over Indonesia during COVID-19 pandemic (2020).

**RESPONSES TO ISSUES AND QUESTIONS ON PARAGRAPHS**

**VISIBILITY OF THE CONVENTION AND ITS OPTIONAL PROTOCOL**

**Paragraph-1**

1. Indonesia has not yet to ratify the Optional Protocol (OP) to the CEDAW, even though the academic text as the requirement for submitting national legislation has been prepared. The ratification plan hasn’t been included in the National Human Rights Plan which should actually been prioritized by the Government and Parliament. Hence, so far in the socialization of CEDAW, the Government hasn’t included the complaint procedure of OP CEDAW that is accessible to women. Specifically the complaint procedure in OP CEDAW doesn’t exist in the agenda of activities socialized by the Government. The concern about complaint procedure of OP to CEDAW which is necessary for the women group is socialized and trained by CSOs network concerned about women accessibility to Human Rights and Women Rights protection as well as discrimination against women such as GPPI Network, CWGI, National Commission on Anti Violence Against Women, as well as other Women and Feminist Organizations.
2. **Recommendation**s:
3. Urge the Government to ratify the OP of CEDAW.
4. Urge the Government and stakeholders to socialize CEDAW and OP included the complaint procedure that is accessible to women especially disadvantaged groups.

**IMPACT OF COVID-19 ON WOMEN`S RIGHTS AND GENDER EQUALITY**

**Paragraph-2**

1. Since the outbreak of Covid-19 in March 2020, Indonesia established COVID-19 Management Task Force by referring to Law Nr.24/2007 concerning Disasters because COVID-19 is a Non-Natural Disaster. In several cities where the positive cases increased rapidly “lockdown” (limited scale social restrictions) was periodically applied. About 730 doctors and 300 midwives died (April–August2020) because they play a crucial role in offering MNCH amid the pandemic stand a high risk of being infected.
2. Not only lives being taken by COVID-19, but the long pandemic of COVID-19 has impacted almost the sectors, including: (1) the pandemic has created increasing numbers of layoffs/unemployment. Women in informal sectors were hit badly, including the return of women migrant workers; (2) the increasing numbers of poor women; (3) the increasing of Gender-Based Violence (GBV), majority domestic violence; (4) working mothers experience multiple burden; (5) the decreasing of reproductive health services (the limited services for ANC that causing maternal death[[1]](#endnote-1), the limited services for contraceptive that causing the increasing numbers of unwanted pregnancy, the increasing demand for abortion, and the problem in distributing ARV for PLHIV); (6) the increasing numbers of child marriage, school drop-out, child-labors and child abuse.
3. **Recommendations:**
4. Urge the Government to seriously tackling the pandemic, using all resources to prevent the outbreak, to reduce the death rate, to increase the vaccine access, and open widely access for non-COVID-19patient, including the services for women’s reproductive health and need ARV.
5. Urge the Government to evaluate the data discrepancy in distributing the social safety net, particularly for the disadvantaged groups.
6. Urge the Government to provide financial support for women who are out of employment and health protection scheme to start small business.

**CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK**

**Paragraph-3**

1. Until 2020 there hasn’t been any amendment to Indonesian Constitution (*UUD 1945*) and neither has there been issuance of new national legislation, particularly one that adopts the *principle of equality of women and men and define and prohibit all forms of discrimination against women, including direct, indirect, formal and substantive discrimination by State and non-State actors, and in public and private spheres.*
2. Since Indonesia ratified CEDAW (by Law Nr.7/1984), the Law has become the reference for law reforms. Nevertheless, since the Law was merely ratification to a convention, it didn’t become much of a reference for substance legal consideration in prohibiting and eradicating all forms of discrimination against women in Indonesia. Several constitutional legal reviews on Laws that were still discriminative against women weren’t strong enough considering there were not any legally explicit statements in the constitution that specifically guaranteed the rights of gender equality for women and men.
3. Regarding the Gender Equality & Justice Bill [*RUU Kesetaraan & Keadilan Gender],* which is compiled based on its Academic Paper that stated as in accordance with the commitment on CEDAW, as it had been reported by the Indonesian Government and also noted in the Concluding Observation of CEDAW Committee (2012); until the present time the Bill hasn’t been adopted as a Law. In fact it hasn’t been included in the Parliament’s National Legislation Priorities (2019-2024). On the other hand, numerous Bills that contradict the gender equality spirit have existed to be included as priority to be discussed in the Parliament, such as Family Resilience Bill [*RUU Ketahanan Keluarga]*, Material Law on Religious Court Bill [RUU HMPA].
4. **Recommendation**

Urge the Parliament to enacted the Gender Equality and Justice Bill and revoked the Family Resilience Bill.

**Paragraph-4**

1. There are still 421 discriminative laws that hinder the fulfillment of women and girl’s rights, including the marginalized and the most vulnerable groups. The potential of criminalize the women, and marginalized and the most vulnerable ones based on the latest draft Bill of Penal Code in September 2019. E.g., prohibition on showing contraceptive and abortion tools in the public. The government of Indonesia only permits certified physicians and medic officers for this purpose. This act will stop and affect the volunteers and other parties who intentionally try to promote Sexual Reproductive Health and Rights (SRHR) education to be imprisoned. Co-habitation is prohibitive and punished, with the fact that unregistered married are still occurred in numerous region of Indonesia, including the capital city of Jakarta. The provision has potential to criminalize women who want to undergo abortion because they are rape victims or other sexual violations. And decency in public will discriminate the poor community due to unable to access to house in comparison with the privileged groups. The number unwanted pregnancy from unmarried women will arise due to punitive law to impregnating male and its stigma in public perception.
2. There is still numerous violence against LGBT people in Indonesia, this report has been published also by UNDP in 2016. The Electronic Transaction and Information Bill has potential to criminalize whistle-blower, especially women, due to patriarchal value and power abuse.
3. **Recommendations**
4. The government should harmonize health laws and governments’ commitment on MMR on abortion.
5. The government should not use the living laws in the societies to hinder women rights fulfillment.

**NATIONAL MACHINERY FOR THE ADVANCEMENT OF WOMEN**

**Paragraph-5**

1. Indonesia increased the Ministry of Women Empowerment and Child Protection’s (KPPPA) budget from IDR.214 billion (2014) to IDR.553 billion (2018). The KPPPA of the period reported that the budget was used to improve the capacity or management supports, coverage and quality of services for women (gender equality and women empowerment) and children as well as community institutions’ participation.
2. Evaluation and criticism on the use of budget noted that the budget was used more on infrastructure development, facilities and infrastructure procurement. Nevertheless, the usage was not being balanced in capacity building to improve quality and perspective of the staffs.
3. Women movement and CSOs had expected the institutional enforcement could improve the ministry that had only ‘coordination’ nature into a technical ministry so that it would be able to manage its own programs for the advancement of women. The budget for KPPPA dropped in the following Minister’s period (2019-2024) to IDR. 236 billion or 52% of the budget of previous year.
4. **Recommendations**
5. Urge the Government to separate Ministry on Women Empowerment from or establishing Ministry on Child Protection
6. State should reaffirm all the commitments ratified conventions and agreements and commitment related to the fulfillment of women’s rights at UN and regional.

**NATIONAL HUMAN RIGHTS INSTITUTION**

**Paragraph-6**

1. Indonesia has three NHRI, namely National Commission on Human Rights/*Komisi Nasional Hak Asasi Manusia* (*KOMNASHAM*), National Commission on Anti Violence Against Women (*KOMNAS Perempuan*) and Indonesia Commission for The Child Protection (KPAI). Each of these three NHRIs has independent formal legal with different mandates. However, till now the administration of financial support of the KOMNAS Perempuan from the state budget is still as a work unit under the management of KOMNASHAM, whereas KPAI is as KPPPA’s work units. It gives the impression that the government doesn’t have clear comprehension on the role and function of NHRI. To increase the program budget, KOMNAS Perempuan is coordinating with the Ministry of Finance so that the budgeting system can accommodate cases monitoring's needs in the field, especially in difficult areas with lots of women’s issues.
2. KOMNAS Perempuan as a mechanism of NHRI was established after the reformation based on the Presidential Decree Nr.181/1998 and later renewed with Presidential Regulations Nr.65/2005. KOMNAS Perempuan has a historical attachment to the VAW incidents during the May 1988 tragedy in Indonesia. KOMNAS Perempuan's framework is based on the constitution, CEDAW, CAT (Law Nr.5/1998) and Law Nr.39/1999 on Human Rights.
3. KOMNAS Perempuan’s obstacle at Global level in fact came from UN’s Human Rights mechanism policy, in this case Global Alliance of National Human Rights Institutions (GANHRI) that regulated only NHRI with A accreditation could access oral statements mechanism. Such regulation closed Komnas Perempuan’s access because an Accreditation could possibly be granted to NHRI whose mandate was general issue. In 2017, KOMNAS Perempuan wasn’t allowed to access Human Rights mechanism when it was going to attend the Third Cycle of the UPR because it didn’t have A accreditation. Eventually KOMNAS Perempuan was granted participation after it was approved by KOMNASHAM who shared time to convey Oral statement in the assembly. Until now KOMNAS Perempuan is still coordinating its mechanism so that KOMNAS Perempuan can be recognized nationally and able to participating in meetings of UN’s Human Rights committees.
4. **Recommendations**
5. Urge government to guarantee the legal status of KOMNAS Perempuan as NHRI having assurance of permanent administrative and financial support.
6. Urge UN-OHCHR and GANHRI to recognize by issuing fully accreditation status to KOMNAS Perempuan as NHRI with specification of VAW at the UN.

**TEMPORARY SPECIAL MEASURES**

**Paragraph-7**

1. The sanction for parties failing to comply 30% quota for women candidate is they could not participate in the election in the electoral region concerned. This provision proved to be effective, the result of 2019 Election recorded that women’s representation increased to 20.35%. Whereas, in the election for the regional heads, in 2018 *Pilkada* recorded 30 women elected as regional heads with a composition of 101 women from a total of 1,136 participating candidates. This number is still very low compared to men.
2. The Law Nr.6/2014 concerning Villages has opened the opportunity and participation for women in decision-making at village level. Now, the number of women who become village chief is about 5% of the 78 thousand villages, still very low compared to the male chiefs. Although the law has promoted gender equality for women in the village to participate in the decision-making, however the strong and subtle of the patriarchal culture has blocked and discouraged women to participate.
3. The representation of women in the bureaucracy, especially at high levels in the ministries shows that the number of women is often less than men but gradually increased slowly from 2014 (37.18%) to 2018 (40.31%). Inequality in the number of female and male ASNs is getting sharper in high-echelon positions, starting from echelon 3.
4. **Recommendations**
5. Urge the government to strengthen affirmative policies and efforts to empower women in the coming revision of Political Party Law and the Election Law.
6. Urge the Political Party to improve the recruitment mechanism for increasing potential numbers of female cadres/members.
7. Strengthen collaboration between women politicians and the broader women's movement to push the feminist agenda and strategies into the Political Party and legislative institutions.

**STEREOTYPES AND HARMFUL PRACTICES**

**Paragraph-8**

1. Regarding Female Genital Mutilation/Circumcision (FGM/C), Minister of Health Regulation Nr.6/2014 on Female Circumcision (FC) regulates that FC does not provide medical benefits. However, the regulation mandates the Health Advisory Council and *Syara* to issue guidelines that facilitate FC to ensure the safety and health of women. A study shows that FGM/C was still carried out in 17 regencies of 10 provinces. (KOMNAS Perempuan, 2017-2018).
2. Regarding the virginity test, although there are no written rules, the military (TNI) still enforces virginity checks for women personnel candidate. While the Indonesian Police (POLRI) has revoked the rule. KOMNAS Perempuan has wrote a recommendation to the TNI Headquarter regarding this issue. The Chief of Army Military, in his public statement (2021), stated to revokes the virginity test. So far no written regulation published.
3. Virginity test as a prerequisite for TNI recruitment causes deep trauma to women personnel candidate, they even reluctant to express the matter as it might affect their career. Therefore, eliminating virginity testing as a recruitment prerequisite is very crucial as one gender indicator in security sector reforms beside many other such as: 1) Absence of SOP in TNI structure to prevent GBV, as well as strict sanctions; 2) small number of women in the militaryand Police(5-10% of the total personnel) shows how women are considered appendages, such the case in 2020 no new female army cadets was recruited.
4. **Recommendations**
5. Urge the State ensuring every citizen has the right to live without violence, ensuring all SRHR services are easy to access, free of stigma and discrimination; and to include SRHR Education being part of the school curriculum.
6. Urge the state to eliminate the practice of FGM/C by taking firm actions and imposing strict sanctions.
7. Urge the government to immediately take a firm stance and monitor the elimination of the virginity test as part of the prevention of GBV in TNI and POLRI.

**GENDER-BASED VIOLENCE AGAINST WOMEN**

**Paragraph-9,10**

1. Since 2019 the cases of GBV against women and girls has increased to 65% . In the past two years the cybercrime on sexual violence became very massive, where more than 2,000 girls were the victims during pandemic COVID-19. The current legal system is not able in-handling the various type of sexual violence. Therefore, the proposed Bill on the Elimination of Sexual Violence is hardly-need to be enacted. The Bill was prepared to open access to justice for the victims and to ease the Law enforcers to work through six key elements consisting of: a. prevention measures, b. types of criminal acts, c. sentencing which uses a double track punishment system not only imprisonment but also victims recovery and rehabilitation; d. procedural law; e. recovery including services to victims; f. monitoring and the role of Human Rights Institutions in optimizing the implementation which is mandated in the Sexual Violence Bill. The Bill has been postponed for such a long time and it was worsening back in September 2019 when the Bill of Penal Code was about to be launched. Conservative group dominated the debate in the parliament.
2. Pandemic COVID-19 is not only postponing the process of passing this bill, but it also created other violence against transgender woman. M, the deceased was burnt alive by perpetrators and the government failed to serve her justice, instead proclaimed it as a persecution crime.
3. The long list of issues on government crisis centers (P2TP2A) never resolve, the problem always rise on budget, human resource, knowledge, and its bureaucracy. Although the partnership has been established with other stakeholders, however the increasing state budgets do not assist the CSO works on these issues. The government tends left the burden behind to CSO by not providing the adequate amount of funding to help the women’s crisis centers run well.
4. The case of state owned crisis center is clearly worrying, especially after an incident experienced by a 14-year girl, a victim of sexual violence, who again experienced rape by a male shelter officer while she was boarded there (East Lampung Regency, July 2020).
5. Some obstacles in handling GBV cases against refugee and asylum seeker: Since KPPPA (P2TP2A) does not have a specific mandatory and budget to handle refugee. The language barrier is also big challenge making handling GBV cases are not optimal.
6. **Recommendations**
7. Urge the Parliament immediately enacted Bill of Sexual Violence.
8. Urge the government to establish a comprehensive legal-framework including prevention, case handling, victim access to shelter-medical-legal-psychological counseling support, and reintegration program that integrated into P2TP2A as well as WCC services provided by CSOs. Ensuring sustainable funding from the state budget for all the stakeholders involved.
9. Ensuring GBV cases experienced by women refugee handling by government as their responsibility.

**TRAFFICKING AND EXPLOITATION OF PROSTITUTION**

**Paragraph** **-11**

1. The National Anti-Trafficking Task Force Report (2015-2019) noted achievements in the field of law enforcement, including; The establishment of the Special Task Force for Handling TIP at the National Police and in 13 Regional Police; Training for Law Enforcement Officers (LEO) about TIP; Cooperation with the Witness and Victim Protection Agency (*LPSK*) in facilitating the provision of restitution to TIP victims.
2. Despite that progress, substantial challenges remain, including:
3. Victims still encounter many difficulties when submitting complaints to the LEO.
4. Many Case Reports were not continuing with preliminary investigations and investigations.
5. Many TIP cases have been lost in court. In 2018, only 17% of cases that “being granted”. In the TIP court decisions, it is also still rare to find restitution payments to victims.
6. Lack and uneven understanding of LEO and Indonesian representative staff about TIP, including victim identification and gender sensitivity in handling victims.
7. Missed identification occurred upon the TIP victims return to Indonesia. This situation allows exploitation to continue and creates fundamental risks after the victim exits trafficking and during the return process and makes it difficult for victims to access assistance or support.
8. ACTIP, which has been ratified, has not been internalized to national stakeholders.
9. **Recommendations**
10. Ensuring the implementation of procedures for Victim Identification and access of victims of TIP to services and support according to their needs.
11. Increase capacity of LEO and Indonesian Representatives’ staff regarding TIP, victim identification, and gender sensitivity in handling victims.
12. Ensuring the implementation of Law Nr.18/2017 on the Protection of IMWs and immediately issuing derivative regulations mandated by this Law.

**HUMAN RIGHTS DEFENDERS**

**Paragraph-12**

1. The protection mechanisms for Human Rights Defenders (HRD) in Indonesia are still weak. In relation to positive Law, there has been no explicit recognition of HRD as referred to in the 1998 Declaration on HRD.
2. KOMNASHAM, has limited mandate, although it tries to protect HRD. KOMNAS Perempuan also has limited mandate but creatively tries to reach and protect Women Human Rights Defenders (WHRD) in various ways, such as commemorating International WHRD Day and creating manuals. Meanwhile, KPAI is still learning about Child Rights Defenders. There is Board of Victim and Witnesses Protection (LPSK), but there is a gap, Women/HRD can only bring their case when the case has been handled by the police. However, if the police are in trouble how can WHRD complain to the Police.
3. All the perpetrators act such as intimidation, harassment and violence against HRD/WHRD, can be free because they have strong impunity since they are powerful and wealthy, especially in corporations and environmental cases. And for WHRD the violators are hardline or intolerant groups. Not to mention that it is still related to corruption and gender bias -without the perspective of women and victims-in justice in Indonesia and Police reform in Indonesia that are still running in place, even the Police become perpetrators who are against the HRD.
4. The 2012-2015 Report on HRD in Indonesia by Special Rapporteur stated that there were at least 42 cases against HRD based on KOMNASHAM documentation. The number of cases continues to increase every year: 5 cases (2012), 10 cases (2013), 22 cases (2014) and 5 cases (January-February,2015). Eleven issues that are vulnerable to HRD, namely the environment, agriculture, labor, corruption, journalism, education, LGBT, and freedom of expression in public. Komnas Perempuan’s Study on WHRD (2017) found 436 cases of human rights violations occurred in 19 forms of violence based on the accounts of 58 WHRD.
5. **Recommendations**
6. Urges the Government to include WHRD Protection Mechanism in the National HR Action Plan.
7. Urges the International commitments on WHRD protection especially at national level.

**GENDER-BASED VIOLENCE AGAINST WOMEN IN CONFLICT AND POST-CONFLICT SITUATIONS**

**Paragraph-13,14**

1. Indonesia is committed to implementing Resolution 1325 on Women, Peace and Security through the implementation of Presidential Regulation Nr.18/2014 concerning the National Action Plan for the Protection and Empowerment of Women and Children in Social Conflict (*RAN P3AKS*) in 2014-2019. The consultation (2020)[[2]](#endnote-2) found that in 5-years of implementation, *the NAP* inspiring CSO to strengthen community resilience with the inclusion of women, involvement of women physically increases but is less meaningful*.* Somereview provides critical notes on several issues, ie: The inaccurate analysis and proper attitude towards new conflict characters (including reading violent extremism), lack of human rights principles in conflict management, inconsistency in the transitional Justice and reconciliation approach in conflict resolution (especially freedom of religions, force eviction of G’s community, and natural resources conflicts); the importance of an intersectional perspective in seeing layers of vulnerability and crisis experiences adds to the accuracy of the perspective; the need for conflict management architectures that minimize military involvement; the lack of protection of WHRD.
2. The absence of a Truth and Reconciliation Commission (TCR) at the national level has been proven in the context of Aceh. The presence of the TRC through Qanun Nr.17/2013 concerning the TCR in Aceh, has succeeded in identifying the number of victims of the conflict, as of August 2020 there were 4,530 victims and their families-130 cases of sexual violence. The Aceh TRC has recommended 245 urgent reparations and was responded by the Governor of Aceh Decree Nr.330/1209/2020 concerning the Determination of Urgent Recipients of Reparations for the Restoration of the Rights of Victims of Human Rights Violations, but only 77 victims have been approved and included in the agenda of the Aceh Reintegration Agency.
3. In the context of West Papua and Papua, all commitments on paper related to Victim’s recovery have not been maximally implemented by stakeholders in Papua. In 2020, it has been nine years since the Papua Provincial PERDASUS Nr.11/2011 on Restoring the Rights of Papuan Women Victims of Violence and Human Rights Violations was enacted, but there is no sign of the Papua Provincial Government in implementing it. Meanwhile, the victim's condition needs urgent recovery.
4. Another good practices: July,2019, the Jayapura Government issued a Jayapura Regent Regulation Nr.35/2019 concerning the Implementation of Violence-Free Areas in Jayapura Regency. This Regent Regulation was originally planned to be disseminated in 2020 but was constrained by the COVID-19 pandemic.
5. **Recommendations**
6. Ensuring the issuing a comprehensive national policy regarding the TRC in order to facilitate the identification process and access to justice for victims, to reveal the truth, prosecute perpetrators and avoid impunity. Local government should understand the implementation of presidential decree on NAP including on the natural resources conflicts.
7. Ensuring the National government and Papua Provincial Government to solve immediately the implementation of the Special Regional Regulation Nr.1/2011 on The Recovering of The Rights of Papuan Women Victims of Violence and Human Rights by programs, budgeting and adequate human resources.

**NATIONALITY**

**Paragraph-15**

1. Legally, a child with no identity/birth certificate is considered non-existable by the State. Therefore the child is born unrecorded by name, genealogy and nationality, and its existence and rights to identity is not protected. The unrecorded identity of the child causes a higher risk to child exploitation, victims of human trafficking, experience violence, victims of labor rules violation. *Kompas* Daily reported that 7 million children don’t have birth certificates (4-March-2020).
2. The Directorate of Population and Civil Registration of the Ministry of Home Affairs (2020) noted that there are nine provinces with low birth certificate ownership, they are Aceh, North Sumatra, Riau, East Nusa Tenggara, Central Sulawesi, Maluku, North Maluku, and Papua and West Papua. Those provinces haven’t met the national birth certificate election coverage target of 92.85%, and Papua is the lowest coverage, i.e. 46.99%.
3. Among the parents’ constraints obtaining Child Birth Certificates (*Susenas*, BPS-2016) are: no cost (33.87%), mileage factor (7.56%) and incapable of obtaining them (9.33%). This is reinforced by the community’s lack of awareness regarding the importance of birth certificates for children. To get the documents and civil records required, parents must spend money and time.
4. During the pandemic, almost all Student Admissions (*PPDB)* at elementary school require birth certificates. Without them the student candidates aren’t entitled to register online and therefore are not subject to sign up the screening system.
5. **Recommendations**
6. Ensuring Local Governments allocate stimulant funds for the acceleration of the birth certificate services (Circular Letter of the Minister of Home Affairs Nr.472.11/3647/SJ on The Establishment of Birth Registration That Exceeds the One-Year Collective Deadline).
7. Ensuring Religious Court and the District Court shall be given the authority to serve the determination of birth registration in court.
8. Urge the government to ensure the effective implementation of the Law Nr.23/2006 on Population Administration, which provide that issuance of birth certificate should be free of charge.

**EDUCATION**

**Paragraph-16**

1. Sexual violence in higher education institutions represents an iceberg phenomenon. It happens but is rarely tackled properly. In many cases, the institution doesn’t have perspective on the victim, instead they ask the victims to be silent in order to protect the good name of the campus. This causes depression for the victims and the perpetrators will walk free. This condition has changed during in the last five years. More victims have more courage to report their sexual violence experience to their campuses or to institutions such as the KOMNAS Perempuan. Some female academics speak their critics up and fight against toward sexual violence in campuses. However, still there is no general standard mechanism for tackling sexual violence cases.
2. Some progress are only made lately. The Decree of the Director General of Ministry of Education (October-2019) can be used to handling cases of sexual violence in campuses. But this is still in early stage, the campuses need to be encouraged to follow up. At the present, there are about 6 Universities (PTKI) campuses that have issued Rector's Decree on Standards Operating Procedures (SOPs) in the Prevention and Handling of Cases of sexual violence in campuses and about 20 PTKI campuses are preparing draft SOPs to then issue a Rector's decree on the SOP. Hopefully, those little progress can lead changes in the campus attitude towards sexual violence cases from ‘pro-perpetrator’ to ‘pro-victim’.
3. **Recommendation**

Urge the Government (Ministry of Education and Ministry of Religious Affair) to ensure protection of students from all types sexual violence at all level of education institutions.

**EMPLOYMENT**

**Paragraph-18**

1. The Omnibus Law on Job Creation was enacted on October 8, 2020. The law aims to cut various related laws in order to increase bigger investment and provide more labor competition. However, this law has risen many critics because it will worsen the conditions of the labor, including: the flexible employment contracts (Article-59); expanding outsourcing and intensifying the broker practices; using the Provincial Minimum Wage (UMP) to decrease wages (Article-88C), and pay based on hourly work and targets (Article-92); reducing weekly off-times (Article-79) and longer overtime; reducing the compensation (Article-156 paragraph-2); easier recruiting Foreign Workers (Article-42); weakening labor unions etc.
2. The Omnibus Law on Job Creation greatly impacts on worsening the working conditions of female workers, easily marginalizes them in recruitment, puts more women in unskilled jobs; creates more inequality of wage for female workers; ignores the reproductive health rights of female workers; causes more sexual violence and other GBV in the workplace, lacks of legal protection, health and employment security etc. The Law has bigger impacts on female workers those who work in labor-intensive sectors, including in agriculture/plantation, trading, restaurants and other service-business, industries (garments/textiles, footwear, food), domestic workers, and in other worst form of jobs.
3. **Recommendations**
4. Urge Government to review and revise the contents of the Omnibus Law on Job Creation that is contrary to the CEDAW and its recommendations;
5. Urge the Government to ratify ILO Convention-177, 183, 189 and 190.
6. Urge CEDAW Committee and related UN bodies as well as international organizations to evaluate the global economic system, which produce a huge gap in inequality, perpetuate exploitation, further impoverish workers.

**Paragraph 19**

1. Up to now Indonesia has not yet ratified the ILO Convention-189 on the Decent Work of Domestic Workers. It gets along with the hesitant of the Ministry of Manpower and the parliament to pass on the Domestic Workers Protection Law. Thus, Indonesia failed to protect over 5 million of domestic workers within the country and over 3 million of domestic workers working abroad. Their conditions are away from decent work, including: no employment contracts, underpaid, no standard wage, long working hours (more than 16 hours/ day), no holidays or annual leave, no health and employment securities, poor working facilities; violence in the workplace; easily un-employed due to their maternity issues.
2. The position of the Domestic Worker Protection Bill has been 17 years in the legislation process. The Government has not made any efforts to urge the Domestic Worker Protection Law. This Bill has been a long struggle done by domestic worker’s organization led by JALA PRT and related CSOs. Though the Parliament has continuously failed to pass on the Bill, the domestic worker’s organization keeps their struggle to urge the Law. After long struggle, at least, the domestic worker’s issue gets broader public attentions and awareness.
3. **Recommendations**
4. Urges House of Representative and Government to immediately pass the Domestic Workers Protection Bill on and to ratify KILO 189 on decent work of Domestic Workers;
5. Urges Government to provide access to social security programs (health and employment insurances) for the domestic workers.

**CLIMATE CHANGE AND DISASTER RISK REDUCTION**

**Paragraph-20**

1. According to the Indigenous Peoples Alliance of the Archipelago (AMAN), Presidential Decree Nr.88/2017 concerning Settlement of Land Ownership in Forestry Areas by the Ministry of Environment and Forestry, has many potential threats to indigenous peoples and the forests in which they live. This Presidential Decree explicitly constitutes the conservation forests; and it means indigenous peoples living in the conservation areas must be relocated. This resettlement program threatens the community and may lead to criminalization. According to AMAN, the potential of resettlement for indigenous territories is around 1.62 million hectares or 20% of the 8.2 million hectares of customary lands. This resettlement, like previous practices, may erode the lives of indigenous peoples (values, norms and local knowledge of the community, customary law). (aman.or.id)
2. This Presidential Decree is not even in line with various regulations that have good practice under them, including the Decision of the Constitutional Court (2012) Nr.35/PUU-X/2012 in the test case of Law Nr.41/1999 on Forestry. The court's decision makes a Constitutional correction of the status of customary territories, which says that customary forests aren’t state forest, previously forest areas were designated unilaterally by the government as State Forests that cause conflict because customary territories are included in the State Forest. However, the implementation of these regulations has potential conflict with each other, which will cause a lot of losses for indigenous peoples. Women and children from indigenous group will still experience various long-lasting adverse impacts, such as increasingly narrow land and living space, environmental damage due to commodity planting, security approaches around plantation and mining areas that have the potential for violence and the power of exclusion used to negate the rights of indigenous women.
3. **Recommendations**
4. Urge the Parliament to immediately enacted the Indigenous People bill;
5. Urge the Government and related parties to follow up the Recommendations of the National Inquiry on the Rights of the Indigenous People to Their Territory in the Forest Areas;
6. Strengthen the indigenous people to reclaim their rights on forests and lands;
7. Ensure the participation of indigenous women in every transition of land/customary forest functions that is adopted explicitly in the Indigenous People Bill.

**HEALTH**

**Paragraph-21**

1. For two decades MMR remained above 305/100,000 live births. SDG 3.1 will not be reached in 2030, because not fully integrated into national strategies and decision made by conservative values and norms.
2. Criminalization of safe abortion services must be stopped. The Government Regulation Nr.61/2014 was enacted followed by Ministerial Decree Nr.3/2016 which allows victims of rape and medical emergencies having pregnancy termination. Study show 11-15% of unsafe abortion contributed to MMR (IPAS-Indonesia, Guttmacher-Institute, 2019). Criminalization of reproductive health education: two years imprisonment for those demonstrating use of contraception. The Criminal Code (Penal-Code) Bill [*RUU KUHP*] maintains prohibition articles from displaying these pregnancy prevention devices or tablets.
3. Poor service quality: Determinant of high MMR. Observing causes to prevent death was “the missing of quality care”, Delays in emergency care and increasing caesarian practices (35% of deliveries): Factor associated with infections and postpartum haemorrhage mortality.
4. Pre-service training with high standards for general practitioners, obstetricians, midwives, nurses; must apply to both public and private health facilities and accessible to all mothers registered of Social Security Administrative Body *[BPJS].*
5. Health budget 2019 is IDR 135.2 trillion (5% of the Total Central Government Budget) but ARVs are not always available to those who need.
6. Indonesia does not ratify the FCTC (framework convention on tobacco control). It makes control efforts going nowhere. Poor households spending ranked second largest after rice and other nutrients. Smoking addict causes malnutrition and stunting on children.
7. **Recommendations**
8. Urge government to develop framework in SRHR policies and legislation to ensuring SRHR unmet need after 15 years stagnant.
9. Ensuring law enforcement to hospitals which not reviewing deaths (maternal audit).
10. Ensuring distribution of medicines for PLHIV, pregnant women with tuberculosis, prioritizing vulnerable groups, people with disabilities, elderly.
11. Urge Ministry of Health appointing safe abortion services which mandated by Ministerial Regulation Nr.3/2016.
12. Urge the State to ratify the FCTC to protect quality of life women and children.

**DISADVANTAGED GROUPS OF WOMEN**

**Paragraph-22**

1. NPM (National Preventive Mechanism) report (2018-2019) illustrated numerous problems of women in detentions, Indonesia: a) Incomprehensive-understandable about Bangkok Rules caused abused of rights; b) Problem of overcrowding (800%) including in women's prisons (result of 150 Laws that mandated criminal sanctions including drugs: Users also in jail), Overcrowding in women's prisons lead to: lack of clean water impacting women's reproductive health, conflict due to very small spaces, limited options for female prisoners who have babies.
2. Violations of the Bangkok Rules: female prisoners separated from the baby, don’t get adequate information about their rights, basic needs (underwear, sanitary pads), pregnant detainees: have no access to antenatal care (medical check, additional nutrients).
3. States prioritizing to control COVID-19 pandemic, implications on girls, women and LGBT\*IQA+ people with diverse SOGIESC (LGBTI). COVID-19 policies don’t take them into consideration: widespread vulnerability, transience, homelessness. Places where non-compliance to isolation policies are punishable, they also have less recourse against arrest, homophobic and transphobic violence/harassment.
4. During pandemic, women in detention, women PLHIV, adolescence and young women of Key Affected Population by HIV (KPs), as well as transgender become most marginalized and vulnerable from the inclusion of provision to health care and basic health service including mental health, due to the priority has been shifted to COVID-19patient.
5. **Recommendations**
6. Ensuring fulfillment of SRHR of female prisoners and detainees which is mandated by CEDAW and Bangkok Rules
7. Ensuring inclusion and meaningful engagement of all disadvantaged groups.
8. Ensuring provision of health care, basic information, and protection of all disadvantaged groups without stigma and discrimination.

**MARRIAGE AND FAMILY RELATIONS**

**Paragraph-23**

1. The Marriage Law Nr.1/1974 has not yet fully revised as recommended by the CEDAW Committee to Indonesia (2012). Even the proposed revision is not a priority of National Legislation. Persistent issues are including: Marriage Law and its Regulation Nr.9/1975 on dispensation of a child bride and parental consent; division of gender roles[[3]](#endnote-3); polygamy that are still discriminatory against women, specifically Qanun in Aceh on Family Law (article-48); and Legal protection for women in: forced marriage, child marriage, recognition regarding interfaith marriage.
2. **Regarding Child Marriage,** the Marriage Law has revised minimum age of marriage for girls from 16 years to 19 years through the Law Nr.16/2019 on Amendment to Law Nr.1/1974 (after Constitution Court Decision, 2017)[[4]](#endnote-4). However, the provision only regulates the age of marriage and marital dispensation. This provision doesn’t criminalize a person who marries an under 19 years old girl.[[5]](#endnote-5) The barriers to criminalize perpetrators are the strong belief that intercourse is legal only in marriage.
3. There is still a massive practice of forced marriage in the name of culture in the society (case in East NusaTenggara mid-2020). However, the criminal provisions for perpetrators haven’t been explicitly stated as prohibitions and criminal acts. However, 12 local governments have issued local policies on the prevention of child marriage.
4. There is an effort to propose a Family Resilience Bill that is contrary to the efforts to eliminate discrimination against women. The Bill that originally contained Family Welfare, became a Bill that redefines and restricts family relationships as between husband and wife (male and female) and children, and strengthens the role of women as wives and responsible for domestic affairs on the grounds of child care and education, expressed as the state’s intervention against families. This is a major set-back as it doesn’t support the revision of the Marriage Law. Such arrangements have no impact on gender equality.
5. Many studies reveal that incest cases seem increasing with perpetrators were the fathers/step-father/grandfather/uncle of the victim.[[6]](#endnote-6). The problem raised when the victim became pregnant and her mother tried to find ways to terminate her pregnancy. Although Minister of Health Regulation Nr.61/2014 allows abortion in case of rape, but not for incest cause. Many victims of incest faced deep suffer from prolonged severe depression.
6. **Recommendations**
7. Urge State to eliminate and revise articles in the Law Nr.1/1974 and its Regulations that still discriminate against women.
8. Urge Legislators use CEDAW in drawing-up a policy framework so as to achieve the acceleration of the elimination of discrimination against women and domestic violence.
9. Urge the state to eliminate the child-marriage and provide strict sanctions.

***Additional to the View from Women Awareness Movement for CEDAW Committee on its 80th CEDAW Session***

**ANNEXES**

**Literatures & Regulations**

[https://amp.kompas.com/nasional/read/2020/06/03/21392401/komnas-perempuan-kdrt-](https://amp.kompas.com/nasional/read/2020/06/03/21392401/komnas-perempuan-kdrt-meningkat-selama-pandemi-covid-19-mayoritas-korban) [meningkat-selama-pandemi-covid-19-mayoritas-korban](https://amp.kompas.com/nasional/read/2020/06/03/21392401/komnas-perempuan-kdrt-meningkat-selama-pandemi-covid-19-mayoritas-korban)

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The Indonesia Constitution Court decision on case Nr.22/PUU-XV/2017 concerning judicial review of Article 7 paragraph 1 of Marriage Law 1974.

Supreme Court Regulation Nr.3/2017 on Guidelines for Judges Adjudicating Cases of Women Facing the Law

The Regulation of the Gunungkidul Regent Nr.36/2015 Prevention of Marriage at Child Age

The Regulation of the Kulon Progo Regent Nr.9/2016. Prevention of Marriage at Child Age.

The Regulation of the Bojonegoro Regent Nr.39/2016 Prevention of Marriage at Child Age.

The Regulation of the Bantul Regent Nr.4/2017 on Prevention and Handling of Child Marriage

* The Regulation of the Tangerang Regent Nr.78/2017 Prevention of Marriage at Child Age
* The Regulation of the Katingan Regent Nr.9/2018 Prevention of Marriage at Child Age.
* The Regulation of the Dompu Regent Nr.43/2018 Prevention of Marriage at Child Age in Dompu Regency**.**
* the Regulation of the Governor Nr.33/2018 on Prevention of Child Marriage and Regional Action Plan for Child Marriage Prevention of Bengkulu Province.
* The Regulation of the Seluma Regent Nr.27/2018 on Prevention of Child Marriage in Seluma Regency.
* The Regulation of the Sopeng Regent Nr.16/2018 on Prevention of Child Marriage.
* Circular of the Governor of West Nusa Tenggara Nr.180/1153/Kum Year 2014 that the ideal marriage age for men and women is 21 years.

**PROFILE OF THE INDONESIAN WOMEN MOVEMENT AWARENESS**

**[*GERAKAN PEREMPUAN PEDULI INDONESIA* / GPPI]**

The Indonesian Women Movement Awareness [*Gerakan Perempuan Peduli Indonesia /GPPI]*, is an advocacy network of more than 30 Indonesian Women’s Organizations, CSOs and advocacy groups in Indonesia that concerns about the advancement of women's rights, gender equality and justice in Indonesia with the commitment to strengthening Indonesia’s commitment to the Elimination of Discrimination against women (CEDAW) and BPFA. The GPPI established since 2014 and up to now more than 30 Women Organizations and CSOs joint our advocacy works and covering 21 provinces of Indonesia. Our previous publications and documents among others: “the Civil Society Organizations Review on the Implementation of BPFA+20” (2015), “*Proposed Gender Perspective Indicators in the Sustainable Development Goals in Indonesia”* (2016) and “The Civil Society Organizations Review on the Implementation of BPFA+25 in Indonesia” (2020). For preparation to the upcoming 80th Session of CEDAW Committee Review and Constructive Dialog with Indonesia as state party to the Convention, GPPI has conducted public events namely “CEDAW Talks” (10 series) and National consultations (2020-2021) participated by multi stakeholders from all over Indonesia, to discuss and prepared CSOs Views and Response to List of Issues addressed by CEDAW Committee to Indonesia, for submission to the CEDAW Committee (2021).

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* Civil Society Alliance for Women and Politic – ANSIPOL
* Maju Perempuan Indonesia – MPI
* Koalisi Perempuan Indonesia
* KAPAL Perempuan
* LBH APIK NTT
* Dissability Rights Forum – DRF
* LAPPAN Ambon
* Yayasan Pulih
* LBH APIK Jakarta
* LBH APIK Makassar
* LBH APIK NTB
* LBH APIK Aceh
* Bale Perempuan Bekasi
* Yayasan Cahaya Guru
* Perkumpulan Keluarga Berencana Indonesia - PKBI
* LRC – KJHAM
* Yayasan Gasira Ambon
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* Rukun Bestari
* KePPaK Perempuan
* Sapa Indonesia
* Kabar Sejuk
* GPIB
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1. During the pandemic, seeing the doctor only once during the first and second trimesters and twice during the third trimester. One week before labor a PCR test for her and husband were asked. For low-income couple PCR test undoubtedly will be hard to be met because is expensive. SMERU Research Institute show that period of May–June 2020 ANC were reduced and pregnancy risks were not detected and ended to maternal death. Many of them delivered their babies during transportation since many health facilities rejected referrals. [↑](#endnote-ref-1)
2. Source: [www.wps-indonesia.com](http://www.wps-indonesia.com) [↑](#endnote-ref-2)
3. Currently the Supreme Court of Indonesia issued the Supreme Court Regulation Nr.3/2017 on Guidelines for Judges Adjudicating Cases of Women Facing the Law is expected to provide equality before the law when experiencing injustice in marriage. [↑](#endnote-ref-3)
4. The Indonesia Constitution Court decision on case Nr.22/PUU-XV/2017 concerning judicial review of Article 7 paragraph 1 of Marriage Law 1974, has strengthened the amendment of the Marriage Law by calling the House of Representatives and to the Government to raise the age limit for marriage of girls [↑](#endnote-ref-4)
5. Globally, Indonesia ranks 7th out of 73 countries in the case of first marrying women at child age, and ranks second highest in ASEAN after Cambodia. National Statistic in 2017 stated that the number of child marriage increased by 25.71% where in 2015 amounted to 23%. In baseline research conducted by *Wahana Visi Indonesia* in Landak, Sekadau, Melawi and Sintang Districts, West Kalimantan, on average 15% of respondents had been married at the age of 10-17 years, among those married at young age, 80% are female. The success of the civil society movement in advocacy work, to encourage the state to make changes by raising the minimum age of married women to 19 years. This is to prevent and remove the practice of child marriage in Indonesia, and is carried out through academic studies or research, judicial review submissions, lobbying to stakeholders, campaigns and public education ranging from children to adults. [↑](#endnote-ref-5)
6. [↑](#endnote-ref-6)