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Subject : Komnas Perempuan Independent Report

To:

**Committee on Economic, Social and Cultural Rights**  
Human Rights Treaties Division (HRTD)  
Office of the United Nations High Commissioner for Human Rights (OHCHR)

Dear Madam/Sir,

The Indonesian National Commission on Violence against Women (Komnas Perempuan) is one of the human rights institutions in Indonesia, which is established based on Presidential Decree No. 181/1998 and then strengthened through President Regulation No. 65/2005. Komnas Perempuan's mandate is to work for the fulfilment and strengthening of women's rights and to create a situation conducive to the elimination of all forms of violence against women in Indonesia.

Regarding Indonesia second review on the implementation of the International Convention on Economic, Social, and Cultural Rights, hereby Komnas Perempuan submit our independent report. In preparing this report, Komnas Perempuan conducted several external consultations with various partners and stakeholders. These report updates our submission for the List of Issues that we send in 2022 and highlights certain issues discussed during the online briefing between NHRIs and Committee in the pre 70<sup>th</sup> pre sessional working group of the Committee on Economic, Social and Cultural Rights (CESCR).

We understand that all submission requested to be posted through online system, but we face technical difficulty to register our report under NHRI section. Hereby we submit this report directly to the CESCR secretariat and also through online system which registered as submission from "other".

We sincerely hope that this submission would contribute to the process of the consideration of the State Party report which will be held on 75 session (12 Feb-01 March). Should you have need for further information or clarification, please do not hesitate to contact us through our staff, Sondang Frishka, at [frishka@komnasperempuan.go.id](mailto:frishka@komnasperempuan.go.id)

We are looking forward to collaborate more with you in the future.

Sincerely yours,



Andy Yentriyani  
Chairperson

**The Committee of The International Covenant on Economic, Social and Cultural Rights  
(ICESCR), 2023**

**Response to the List of Issues and the State Party's Reply of Indonesia**

Submitted by

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

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## Introduction

1. This response to the List of Issues and State Party's reply is prepared by Komnas Perempuan or the Indonesian National Commission on Violence against Women, a national human rights institution with a specific mandate to develop a conducive environment for the elimination of all forms of violence against women and the promotion of women's rights in Indonesia.<sup>1</sup> Komnas Perempuan has the tasks to increase public awareness; conduct monitoring, fact-finding, and reporting on situations of violence against women as violations of human rights; review laws and policies and conduct strategic research; provide suggestions and considerations on policies to government agencies and community organizations; and develop cooperation at national, regional and international levels. This response is based on Komnas Perempuan's monitoring and received complaints related to violence against women cases in the field of economic, social, and cultural rights.

### A. Law and Regulation: Discriminatory Laws

2. Komnas Perempuan in 2022 recorded at least 305 discriminatory bylaws in the name of religion and public morality in the context of regional autonomy in Indonesia. Amongst those are 72 policies obliging attire according to a particular interpretation of the religion adhered by the majority of the population, namely Islam. These policies put women as the primary target of their implementation. In Komnas Perempuan consultation with community of survivors (2023), women objecting to this regulation face discrimination, administrative sanctions, losing their jobs, being ridiculed, ostracized, and even violence and persecution. Victims and their families endure stress, fear, depression and some even have suicidal thoughts.

3. Aceh province with its special autonomy to enact *syariah* based bylaw requires specific attention. Besides obligation to wear veil, its local regulation of *Qanun Aqidah* sanctions of any person who converts from Islam. Another regulation, *Qanun Jinayat*, also applies public canning for crime of *khalwat*, two persons of opposite sex who are not in the wedlock and caught for being together in a considerably secluded area that may rise suspicion of having sexual intimacy; as well as for the crime of showing intimacy in public (*ikhtilath*), consensual extramarital sex (*zina*) and homosexuality. These regulations infringe freedom of religion and belief, the rights to privacy and freedom of expression. Komnas Perempuan are concerned that women due to gender construction face disproportional disadvantage in the implementation of such policies.

4. Komnas Perempuan appreciates the effort of the Government of Indonesia (GoI), particularly the Ministry of Women Empowerment and Child Protection (MoWE) and the Ministry of Human Rights and Law (MoHRs) to expedite review of the discriminatory bylaws and to strengthen preventive measures. Also the Ministry of Home Affairs (MoHA) to implement the authority to assist and supervise regional regulations through the E-Perda (Electronic-regional regulations) system and the Ministry of Education (MoE) to supervise regulations at education institutions to prohibit such obligation. Nevertheless, reduction of discriminatory bylaws since the Universal Periodic Review for Indonesia (2022) yet to be observed.

5. In relation to this, Komnas Perempuan in 2022-2023 received 5 (five) complaints from women of religious minority groups, namely in the cases of violent attacks against Ahmadiyya mosque in Sintang Regency; the burning of the houses of Buddhist residents in Mareje, West Lombok; the rejection of the establishment of the HKBP Maranatha Church in Cilegon; land dispute and discrimination against the Sundanese Wiwitan indigenous community, Cisantara Village, Cigugur District, Kuningan Regency, and the rejection of the establishment of church in Aceh Singkil. Local discriminatory policies against religious minority has been deployed to justify these incidents.

6. Thus, Komnas Perempuan recommends a) GoI to ensure the implementation of recommendations from the Cycle IV UPR Session regarding the elimination of discriminatory regulations in the form of control over women's bodies and those that violate freedom of

religion and belief which have a direct or indirect impact on women's and other religious minority groups' access to employment, economic resources, public services and community/society social cohesion; and b) GoI to ensure the protection of the right to freedom of religion and takes firm action against anyone who obstructs the fulfilment of this right.

## **B. National Human Rights Institutions (NHRIs)**

7. Komnas Perempuan appreciates GoI's commitment to the strengthening of NHRIs as recommended by the UPR Cycle IV, and particularly for the National Commission on Violence Against Women as a National Human Rights Institution (Recommendation No. 140.193). While we are still looking forward to the increase in the number of staffs and levelling up of its secretariat's authority in administrating budget, there has been an increase of budget and facility for Komnas Perempuan in the year of 2023 and 2024. Nevertheless, whilst Indonesia has multiple national human rights institutions, the state bureaucracy system has not been able to accommodate their institutional needs adequately.

8. Recommendations for GoI include a) to fully implement the UPR Cycle IV recommendations by supporting efforts to strengthen NHRIs' institutional capacity, including the availability of sufficient budget and quality human resources, particularly of Komnas Perempuan; b) to expedite the follow up of recommendations from NHRIs, including Komnas Perempuan's recommendations on prevention and handling of cases of violence against women and other forms of gender based violation of human rights against women, and c) to improve the state bureaucracy system to accommodate specific characters of NHRIs in order to increase their independence and optimal roles.

## **C. Multiple Discriminations**

9. **Women and Disability:** Women with disabilities have multiple layers of vulnerability to gender-based discrimination and violence. According to the Annual Record (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. Most of the violence is committed by the members of family or intimate person. This number does not reflect the actual reality of their experience because many of the cases are not reported due to various reasons, particularly due to the lack of access despite the presence of the Government Regulation no. 39/2020 concerning the Adequate Accommodation for Persons with Disabilities in Conflict with the Law. Other obstacles experienced by women victims with disabilities in accessing justice are: (1) the limited perspective and knowledge on disability issues discourage law enforcers to follow up the report of women victims with disabilities, especially if the victim has an intellectual disability or psychosocial disability; (2) the lack of evidence because many of the violence, especially sexual violence, are often committed without eye witness; and particularly victims with intellectual disabilities and psychosocial disabilities do not understand what is happening unless their pregnancy is recognized by others, (3) Minimal availability of expert or trained officer to accompany person with disability in the legal processes; (4) decision to use customary practice such as paying fines or marrying of victim to the perpetrator of rape to resolve cases of sexual violence against women. Such decision is mostly made by the victims' family, particularly with a belief that people with disabilities are unfit to stand before the law.

10. **Indigenous Women.** Komnas Perempuan's monitoring on the implementation of restorative justice (2023) show that indigenous women have experienced multiple layers of discrimination in access to justice. Particularly for those living in rural areas and remote islands, their access is mostly limited to customary mechanism because of the lack of justice infrastructure in their area. Some of their cases, including sexual offences, are referred by law enforcers who claim that the customary mechanism is more suitable to be settle the case

according to the aspiration of the community and the family of victims as well as the victims themselves. However, most of the customary mechanisms are very patriarchic, do not recognize woman as an independent and eligible subject to speak for herself, or even to be allowed to take part in the process. Hence, the result is very likely to overlook the rights and the need of women victims. Komnas Perempuan recalls that the commitment of GoI to support the recommendations of the UPR Cycle IV Session regarding the recognition and protection of indigenous peoples, including indigenous women and their resources (Recommendation No. 243 etc.).

11. **Sexual Minorities:** There are at least 12 (twelve) regions<sup>ii</sup> and 2 (two) universities<sup>iii&iv</sup> that have discriminatory policies against non-conforming gender expression and heteronormativity, such as in Bogor, Makasar, Bandung City, Medan City, Garut Regency, West Sumatra Province, Tarakan City, Bekasi City, Kota Pekanbaru, Karawang District, and Parigi Moutong District. For example, one of the bylaws prohibits couple who are not married to each other and those of the same sex, namely lesbian, gay, bisexual and transgender to be in a room of boarding houses and/or rooms of rented houses, hotels, guesthouses.<sup>v</sup> In 2022, acts of violence against transwomen occurred in Tangerang<sup>vi</sup> and Kupang. Komnas Perempuan's annual report 2023 also recorded various forms of gender-based violence against transwomen, namely threats to distribute content with sexual activity of the victims, sexual torture, being forced to drink alcohol, electrocuted, and being forced to sleep with their hands hanging. In addition, transwomen face (a) bullying, (b) expulsion from home or their communities.<sup>vii</sup> (c) difficulty in accessing residence administration, (d) experiencing obstacles in applying for jobs at formal offices; (e) stigma as they are considered socially undesirable, social disease, and the cause of the spread of HIV/AIDS. Komnas Perempuan appreciates MoWE and MoHRs for following up on Komnas Perempuan's recommendation letter by confirming in a joint recommendation that the above regulations are discriminatory. To date, response from the Ministry of Home Affairs has not been observed.<sup>viii</sup> In the UPR Cycle IV Session, the Indonesian Government supported the recommendations regarding the need for legal provisions to protect sexual minorities against discrimination or oppression based on their gender, sexual orientation, ethnicity and gender or other reasons (recommendation 140.70 etc).

12. Recommendations for GoI to : a) to provide sufficient resource allocation, including for the provision of adequate accommodation for women with disabilities in accessing, b) to issue regulation for ensuring the implementation of customary law in resolving violence against women cases meets the human rights standard and is complementary to the criminal justice system, c) to pass the Indigenous Peoples Bill, which provides recognition and protection for indigenous communities, including women, and their natural resource, d) to organize gender-based human rights education for customary institutions and social/religious institutions or similar institutions regarding restorative justice in order for the to be able to properly handle violence against women cases, e) to revise discriminatory regulations based on nonconformity of gender expression and sexual orientation, f) to ensure the fulfilment of economic rights, employment and the right to be free from violence and discrimination against transwomen, as they are part of the constitutional rights of all citizens.

#### **D. Employment**

13. **Employment in the formal sector.** From 2019 to 2022, Komnas Perempuan received 378 direct complaints of violence at work.<sup>ix</sup> The type of violence is varied, including gender-based violence and maternity rights violations. Sexual violence toward women's labour occurs due to bad conditions of work, and outsourced workers are the most vulnerable. Poor working conditions at PT AFI (Bekasi, West Java), for example, allegedly resulted in the miscarriage of 18 female workers throughout 2019 (Komnas Perempuan's CATAHU 2020). This situation shows that even though Indonesia has ratified many labour regulations to protect

labour in the formal sector, the employment protection scheme has not yet guaranteed comprehensive protection for women workers from gender-based discrimination, violence and harassment in the workplace. Ratification of Law Number 6 of 2023 concerning the Stipulation of Government Regulations in lieu of Law Number 2 of 2022 on Job Creation into Law also alienates the protection of women workers since there is no protection from violation of maternity rights, gender-based violence and harassment in the workplace. Impact is yet to be observed from the implementation of the Ministry of Manpower's regulation on the Prevention of Sexual Violence and Harassment at the workplace that is issued to respond to the Law on Sexual Violence.

14. In response to this, **recommendations** for GoI are to: a) ensure that the due diligence principle is applied in reviewing the Law on Job Creation, b) strengthen the corrective measures and to provide remedies to women workers who are victims of gender-based violence (GBV) at work and c) ratify the ILO Convention No. 190 and Recommendation No. 206 to prevent gender-based violence against and harassment of women workers at work.

15. **Domestic Workers.** The Bill on Domestic Workers Protection has been delayed for 19 years. Since there is no regulation to protect domestic workers, many of them experience i.e. unpaid wages, being fired without reasons, reduced wages when they are sick or unable to work, no access to health insurance when sick, and no severance pay. During the pandemic, their condition is even worse.<sup>x</sup> This condition happens because employers treat domestic workers often as their property.<sup>xi</sup> In response to this situation, Komnas Perempuan urges the Indonesian Parliament to expedite the issuance of the Law on Domestic Workers Protection as mandated by the Concluding Observation CEDAW Committee in 2021. Komnas Perempuan also urges the Indonesian Government to ratify the Domestic Workers Convention No. 189 and Recommendation No. 201 to prevent gender-based violence and harassment of women domestic workers in their place of work and to prosecute and punish the perpetrators.

16. **Home Worker.** The number of home workers in Indonesia is not yet known with certainty. This is because the type of homework is informal, irregular and changing. Female workers dominate homework, and nationally, there is no nomenclature for data collection on home workers. The Central Statistics Agency does not have a category for homework. Based on data collection conducted by the Trade Union Rights Center (TURC), there are at least 4,279 women home workers in seven provinces.<sup>xii</sup> Komnas Perempuan's mapping in 2022 showed that women home workers experience exploitative working conditions, gender-based violence, minimal fulfilment of maternity rights and lack of employment guarantees.<sup>xiii</sup> These findings show that women home workers experience multiple layers of vulnerability of injustice, as women and as workers. An effort for a judicial review of the employment law to gain recognition for home workers was carried out in 2022 but was rejected by the Constitutional Court through Decision 75/PUU-XX/2022. However, the Constitutional Court recommended that the Indonesian Government, through the relevant ministries, make special regulations to protect women home workers. Hence, Komnas Perempuan strongly recommends the Indonesian Government is to follow up the Constitutional Court view to ensure recognition and protection for homeworkers who are predominantly women.

#### **E. Women Migrant Workers**

17. Abuse and other forms of human rights violations in the context of migration against Indonesian women migrant workers are still commonly reported amidst efforts to implement Law No. 18 Year 2017 on Protection of Migrant Workers and Their Family. Cases reported include physical, psychological and sexual violence, such as sexual harassment, rape, and forced prostitution. Also, cases of human trafficking, debt bondage, threats and extortion, violations of the right to information, manipulation of documents, and confiscation of documents, all of which occur from the recruitment process to repatriation. There are

indications of the practice of torture against women migrant workers who are in shelters during placement process (Komnas Perempuan's monitoring, 2022). This condition is regrettable considering that Indonesia has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) through Law Number 5 of 1998. Recalling GoI's commitment in UPR Cycle IV, Komnas Perempuan endorses GoI to a) develop mechanisms to monitor legal and institutional frameworks relating to migrant workers and protect the rights of migrant workers and their families b) accelerate the procedures for ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, c) carry out intensive supervision on the implementation of shelters of migrant workers, including enforcing strict sanctions for those who commit violations of existing laws and regulations, d) ensure SOPs/guidelines/internal regulations for preventing sexual violence comply with Law No. 12 of 2022 concerning Crime of Sexual Violence and ILO Convention 190 concerning the Elimination of Violence and Harassment in the workplace, and e) provide adequate remedies and support for accessing justice for women migrant workers experiencing violence and abusive working situation.

## F. Marriage

18. **Child Marriage.** Whilst the increase of the marriage age from 16 to 19 years old has been applied since 2019 (Law No. 19), child marriage is still rampant. This is observable through the high rate of cases of marriage dispensations in the religious courts, although it has been decreasing in the last three years.<sup>xiv</sup> Unwanted pregnancies among girls is one of the reasons for the dispensation. Child marriage is resulted in systematic impoverishment of women as it has negative psychological, social, economic and health impacts on them, particularly on the sexual reproductive health of girls. In the UPR Cycle IV, Indonesia noted the recommendation (140.218) to take additional steps to eliminate exemptions on the prohibition of child marriage, including addressing judicial dispensations and conservative religious interpretations of marriageable age, while avoiding bride kidnapping by ensuring the consent of all women in all marriages. However, Indonesia also supports the recommendation regarding continuing efforts to eradicate violence against children and women, including child marriage.

19. Hence, Komnas Perempuan recommends the GoI to a) strengthen the synergy across governmental agencies and collaborate with religious leaders, Adat/cutomary/community leaders to campaign on the dangers of child marriage, b) strengthen collaboration across governmental agencies for economic empowerment, providing social assistance to low-income families with daughters of school age to pay for their education costs, and c) provide opportunities for girls who are victims of child marriage to enable them to develop their potential with measurable and effective programs, including but not limited to fulfilling their right to education.

20. **Interfaith Marriage, Minority Religious Marriage and Polygamy:** In 2023, the Supreme Court issued a discriminatory policy prohibiting access to legally document interfaith marriage (Circular Note No. 2/2023 concerning Instructions for Judges in Hearing Applications for Registration of Marriages Between Religious People of Different Religions and Beliefs). Komnas Perempuan is the view that this Circular Note is hindering the State in performing its constitutional obligation to human rights, and also in contradiction to the state obligation to the Law on Population Administration that direct the State to ensure access for marriage certificate without discrimination. Difficulty in accessing marriage certificate is also faced by religious minorities, particularly those labelled as heretic or from indigenous faith without legal organization status. Not having marriage certificate is particularly disadvantageous for women because they will suffer from the stigma of being promiscuous for having sexual relation and/or to have birth out of wedlock and to be easily involve in polygamous marriage of their husband

since their marriage is not considered as legally binding. Since the 2023 Penal Code prohibit cohabitation, which is living together as couple without wedlock, the absence of marriage certificate put women and their spouse at risk of criminalization. In addition, the Law No. 1 of 1974 on Marriage also have discriminatory article against women with disability since disability is an eligible reason for divorce and polygamous marriage.

21. Recommendations for GoI on this matter include: a) Supreme Court to immediately revoke Supreme Court Circular Note No. 2/2023 in order to fulfil the State obligation in the protection of rights to be equal subject before the law and to marriage, b) government to develop program to curb structural obstacles of registering interfaith marriages, mixed marriages, as well as marriages carried out by members of minority religions and beliefs, and c) to revise the Marriage Law, including an article that regulates the wife's "disability" as a legal reason for polygamy.

### **G. Violence against Women (VaW)**

22. **Sexual Violence:** Whilst the Law No. 12 of on Sexual Crime is commendable for its focus on the rights of victims, the follow up is considerably slow for to date none of derivative regulations has been issued. The 4 (four) national human rights institutions of Indonesia (LNHAM), namely National Human Rights Commission (Komnas HAM), Indonesian Child Protection Commission (KPAI), the National Commission on Disabilities (KND) and also Komnas Perempuan are in collaboration in preparing recommendations for the Draft of Government Regulation on the Coordination and Monitoring of the Law.<sup>xv</sup> Komnas Perempuan welcomes the establishment of task force to prevent and handle cases of sexual violence at campuses of both public and religious based universities, and also the regulation from Ministry of Manpower to form similar task force in all working places. However, the strengthening of police unit to handle the cases by establishing specific directorate is yet to be observed.

23. **VAW and the Archipelagos:** The findings of Komnas Perempuan's monitoring (2023) show that the geographical conditions of the Indonesian archipelago put a specific challenge in the growth of service infrastructure, budget provision to support victims, and judicial process of complaints of sexual violence because victims have to travel to the main island which is far away and expensive. Although the number of Regional Technical Implementation Units for the Protection of Women and Children (UPTD PPA) is increasing, these units are still concentrated on Java island and urban areas. Furthermore, few professional services, such as clinical psychologists, are still available throughout the country.

24. **Women Human Rights Defender (WHRD).** Presence of WHRDs is important to assist victims in accessing justice as well as in recovering, including those performed by community service advocates or paralegal. They often experience threats, physical and sexual violence (offline and online), as well as legal risk despite the Sexual Crime Law provide immunity right to those supporting victims in reporting their cases. In addition, many WHRDs have to financially support themselves to assist victims of violence in the absence of the Government's financial support, disrupting the management of their family income. Many of them do not have health and employment insurance. This situation has contributed to the burnt out and other health issues among WHRDs.

25. **Restorative Justice:** The results of monitoring by Komnas Perempuan in 2023 show that there are 5 (five) substantive problems in resolving gender-based violence against women, which are related to the implementation of current policies related to restorative justice mechanism, namely a) relying on procedural involvement; b) opening loopholes for impunity and repetition of crime; c) ignoring the victim's recovery; d) prioritizing a false image of harmony; and e) minimal accountability. Komnas Perempuan has identified 4 (four) main factors that allow this practice to continue: a) the current policies are still ambiguous and partial; b) the lack of qualified human resources to perform the mechanism; c) the scarcity of



supervision; and d) the persistent culture of patriarchy and feudalism adopted in the administration of restorative justice.

26. In response to this, Komnas Perempuan recommends the GoI to a) issue derivative regulations for concrete implementation of the Sexual Violence Law overcome socio-cultural and structural barriers to victims' access to justice; b) strengthen the capacity of law enforcement officials, c) expand the accessibility of the victims to service providers in remote, outermost and island areas, d) provide protection and health insurance for WHRDs who work to assist victims of violence, e) to improve policies regarding restorative justice to include e1) evaluation of the implementation of internal police/prosecutor/court policies regarding their complaints handling approach relevant to cases on gender-based violence against women that use restorative justice mechanism; (e2) issuance of specific policies and adopting the good practice to resolve GBVAW cases using restorative justice mechanism and its supervision procedures; and (e3) increasing the capacity of police/prosecutor/court officers, especially those who are directly taking complaints from women and children, implementing restorative justice mechanism to resolve gender-based violence against women cases; and (e4) carrying out supervision after the implementation of restorative justice.

## **H. Sexual and Reproductive Health and Rights**

27. **Safe Abortion Services as a Reproductive Health Right.** Provision of safe abortion services in Indonesia are only intended for victims of sexual violence and women suffer from medical emergencies. Komnas Perempuan annual report documented 22,286 cases of sexual violence that occurred between 2016-2021, with 10,235 of them being rape cases with a possible risk of having unwanted pregnancy.<sup>xvi</sup> The provision of safe abortion service is stated in Law on Health and subsequently, there is a Government Regulation No. 61 of 2014 concerning Reproductive Health on the provision of safe abortion services. It is also strengthened by the revised Penal Code 2023. However, to date limited number of health facilities provided by the Indonesian Government that perform safe abortion services to fulfil this legal mandate, especially for the victims of rape. Previously, the eligibility to access this service is up to 40 days of the gestational age. However, the lengthy bureaucracy makes it difficult for the victims of rape to access this service. The revised Criminal Code Law 2023 and Health Law 2023 extend the eligibility period to 14 weeks of pregnancy but will only be effective in 2026. Regardless of the issue of the gestational age restriction, as a party to CEDAW and other international human rights instruments, the Indonesian Government is obliged to provide safe abortion services to fulfil the reproductive health rights of women who are victims of rape. Komnas Perempuan underlines that the Indonesian Government supports recommendation (140.135) of the UPR Cycle IV Session, namely changing and harmonizing laws and policies to guarantee access to safe abortion services.

28. Hence, Komnas Perempuan recommends GoI to: a) accelerate the preparation of guidelines to provide safe abortion services for victims of rape and other victims of sexual violence in Indonesia, b) develop training modules to increase the number of trained professionals to implement safe abortion services as specified in the existing policies, and c) ensure the availability and readiness of health facilities to provide comprehensive, safe abortion services at every level, from national to regional, through a tiered referral scheme.

### **I. Harmful Traditional Practices**

29. **Female Genital Mutilation/Cutting** - Komnas Perempuan observes that Minister of Health Regulation (Permenkes) No.6 of 2014, Article 1 confirms that Female Genital Circumcision/Cutting (FGM/C) has no medical benefits. But, article 2 gives authority to the Health and Sharia Advisory Council (Fatwa on Health and Religious Considerations) to issue guidelines regarding the facilitation of a practice that would ensure the safety and the health of

women who are circumcised but prevented from experiencing female genitals mutilation. These contradictory articles contribute to the continued practice of FGM/C. Hence, the prohibition of FGM/C has always arisen in various reviews of Indonesian performance on human rights, such as in the previous cycles of UPR sessions, as well as CEDAW and ICCPR. The Ministry of Health has been careful in issuing this regulation because it has been revoked 2 (two) times. The fatwa is intended to regulate respect for a belief in carrying out female circumcision as a result of pressure from some religious based communities. It is noteworthy that the Indonesian Women's Ulema Congress (KUPI)<sup>xvii</sup> declares that FGM is haram (forbidden), and the mass-based muslim organization, Muhammadiyah, also does not recommend it. However, this practice is supported by the Assembly of Muslim Clerics (MUI) that is mostly referred to by the public. A study by Komnas Perempuan shows that in 2017-2018, FGM/C was still carried out in 17 (seventeen) districts of 10 (ten) provinces. The 2021 Women's Life Experience Survey (SPPHN) showed that 33% respondents experienced female circumcisions as it is believed as a religious practice. 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. The practice of FGM/C is generally carried out across rural-urban areas, socio-economic conditions and educational and occupational backgrounds.

30. Based on these findings, Komnas Perempuan encourages the Indonesian Government to 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. Komnas Perempuan also supports the implementation of national roadmap and action plan prepared by GoI for preventing FGM/C practices in Indonesia, which is expected to eliminate P2GP practices by 2030 and contribute to achieving SDG Goal 5

31. **Bride Kidnapping.** Komnas Perempuan's monitoring in 2021 and 2022 showed that bride kidnapping is still practiced in Eastern part of Indonesia. According to the Penal Code, bride kidnapping is a crime and according to the 2023 Law on Sexual Crime, bride kidnapping is part of the forced marriage that is prohibited. Considering the harm posed by this practice to women, including hindering women from enjoying their rights to freedom in entering marriage consensually, Komnas Perempuan is concerned that the local governments at four districts in Sumba island where the practice is observable have not taken any concrete action to develop systematic measures for prevention. Noticing that at the UPR Cycle IV Session, the Indonesian Government was in "take a note" position on the recommendation (140.202) concerning the prohibition of traditional practices that are harmful to women, including cutting/injuring women's genitalia and forced marriage, Komnas Perempuan recommends the GoI a) to conduct more research on the relationship between women's vulnerability to harmful practices in the name of tradition, cultural spaces and traditional norms, and b) to develop programs to address bride kidnapping and other harmful traditional practices in order to promote gender equality and justice in the realm of tradition and culture.

#### **J. Natural Resources Conflicts and ECSR**

32. There were 11 (eleven) cases of gender-based violence in the contexts of natural resources based conflict and land dispute in relation to spatial planning of national strategic projects<sup>xviii</sup> that were directly reported to Komnas Perempuan in 2022. Komnas Perempuan noted that the conflict over natural resources could go on for a very long time, ranging from half a decade to more than a decade, which means it spans generations. It is very rare to resolve natural resource conflicts from the perspective of the constitutional rights of citizens and women. The accumulation of the impacts of ongoing conflicts over natural resources has prompted Komnas Perempuan to characterize this type of conflict as a form of serious human

rights violation. Some conflicts of natural resources are even layered with armed and social conflicts of the past, such as in Papua. According to Komnas Perempuan's monitoring, impacts of natural resource-based conflicts on women in their rights to economic, cultural and social rights include: (1) impoverishment due to the loss of livelihood for women because they cannot access the area or because of the deteriorating condition of the land, rivers, and air that resulted in the continuous decline of crops or livestock production; b) psychological burden because they are the keepers of local knowledge which include the economic, cultural and spiritual resource, such as making woven bamboo, herbal medicines, traditional food, and ritual materials, (3) destruction to the water sources causing the increase in women's workload and deterioration of their health conditions, including mental and reproductive health; (4) women are more vulnerable to becoming victims of human trafficking and sex workers. (5) women are more vulnerable to domestic violence due to economic pressure and damaged living environment.

33. Komnas Perempuan strongly recommends the GoI to a) prioritize the sustainable development perspective, taking into account the principles of respecting and fulfilling women's human rights and engaging with the affected women in accordance with the UN principles on *Free and Prior Informed Consent*, including in their national strategic projects, as a basis for a solid foundation to ensure society enjoys all human rights, b) improve further gender-responsive budgeting in the national and regional policy planning and c) implement the National Business and Human Rights Action Plan, and d) ensure remedies available indiscriminately for women suffered from natural resources based conflict, land dispute and environmental deteriorating condition due to the operationalization of national strategic projects.

#### **K. Mental Health**

34. Komnas Perempuan monitored 72 media news on cases of women committing suicide between October 2022-November 2023 and found that various factors caused 70 cases of women committing suicide. *First*, female suicide is committed by different age groups, from teenagers to the elderly regardless their education levels, occupations and socio-economic classes.<sup>xi</sup> *Second*, the most common causes of suicide are the life pressure/burden of life/household or family problems/household economic pressure and depression; bickering over with husbands and depression; ongoing illness; cheating husbands; and for being accused of cheating, being in debt; love-life problems; boyfriend refused to get married despite having had sexual relation; and the pressure of educational costs. Komnas Perempuan also found that from 136 suicide reports in 2023, 12 (twelve) cases indicated the women were victims of GBVAW.<sup>xii</sup> In general, the women do not have a *support system* to address their grievances when they said they wanted to commit suicide. Some of them have attempted suicide several times and were successfully averted. Their families also did not respond to their mental health needs. Mental health services are still concentrated in Java, especially in big cities. Society does not view mental health as something serious unless it creates disturbance to public order.

35. Recommendations for the Indonesian Government include a) to strengthen the community outreach to nearby mental health and drug services through the Social Security Administering Agency (BPJS) scheme, b) to provide accessibility and assistance of health services, including for groups in remote and unreachable areas to remote areas at the Community Health Center level, c) to ensure quality physical and psychological recovery services for women who are victims of GBVAW, and d) to develop a mental early warning system at the village level and raise awareness of mental health prevention at all stages of its condition, from mild to acute.

#### **L. Leadership and Work Participation**

36. Gender equality in the economic sector has progressed in recent years. In the 2023 *Global Gender Gap Index* released by the *World Economic Forum*, however, the economic participation and opportunity in Indonesia globally scored at only 0.666 (66.6%) and, on average, was ranked 87<sup>th</sup> from the 146 countries measured.<sup>xxi</sup> This decline in the world economic index cannot be separated from the persistent perception of patriarchy, gender stereotypes and discrimination against women. The ongoing minimal participation of women in managerial positions is also caused by the low level of women's education qualification, which is still dominated by the basic education level, forcing them to work in low positions.<sup>xxii</sup> Awareness of women's economic rights, such as the right to work and earn a decent living, is increasing with efforts to address gender discrimination in the workplace and ensure that women have equal access to economic opportunities. Women's leadership in the workplace can contribute to increasing access to decent work without gender discrimination. The proportion of women in managerial positions demonstrates that women can participate fully and receive equal leadership opportunities at all workplace decision-making levels. Female managers provide unique characters from their male counterparts in exploring business opportunities and widening the business potential for better company performance. Women's leadership can also create more egalitarian leadership, motivating other female colleagues to step up to more leadership roles in their professional sphere. Komnas Perempuan recalls that the Indonesian Government supported the recommendation (140.176-179) of the UPR Cycle IV Session regarding the improvement of programs that support women's meaningful participation in the workplace, to increase the role of women in decision-making and women's representation at the decision-making level, and to advance women's rights and wellbeing, economic opportunities and to eradicate discrimination against women. Hence, Komnas Perempuan recommend the Indonesian Government to a) encourage women to continue their education up to the tertiary level, as several jobs require higher education as a precondition for employment in higher position and b) collaborate with the private sector and civil society to create an inclusive work environment integrating gender perspectives and provide opportunities for women to develop their employable skills and abilities.

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<sup>i</sup> Komnas Perempuan was established through Presidential Decree No. 181 of 1998, which was then reinforced by Presidential Regulation No. 65 of 2005 in response to the demands of civil society (particularly women's groups) on the Government. These demands called for the state to take responsibility for cases of sexual violence against women, particularly the sexual violence experienced by women in the May 1998 riots aimed at the ethnic Chinese in Indonesia.

<sup>ii</sup> Regional Regulations of the Bogor City Government concerning Prevention and Deviance in Sexual Behavior and Regional Regulations of Parigi Moutong Regency, Central Sulawesi Number 3 of 2022 concerning Peace, Public Order and Community Protection.

<sup>iii</sup> Dian Hadiyati a, "Itera Rejects LGBT Campaign in Campus Environment," Antara News, 2023, <https://lampung.antaranews.com/berita/699285/itera-tolak-kampanye-lgbt-di-lingkungan-kampus>

<sup>iv</sup> Reuters – [in the campus environment](#)

<sup>v</sup> With the threat of a maximum imprisonment of 4 (four) months or a maximum fine of IDR 30,000,000 (thirty million Rupiah).

<sup>vi</sup> M. Chaerul Halim & Akhdi Martin Pratama, "Motive for the Murder of a Transwoman in Tangerang: The Perpetrator Revenges Because He Wasn't Borrowed Money," 2023, <https://megapolitan.kompas.com/read/2023/11/14/15485181/motif-pemkillan-transwoman-in-Tangerang-perpetrators-of-revenge-for-not>

<sup>vii</sup> Transvestite Beauty Contest in Polewali (2021); Transwoman Fashion Contest in Surabaya (2022); disbandment of the ASEAN Queer Advocacy Week event (2023);

<sup>viii</sup> Letter dated March 31, 2022.

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<sup>ix</sup> Komnas Perempuan received 62 cases (2019); 64 cases (2020); 114 cases (2021), and 136 cases (2022) of direct complaints, including violations of maternity rights (menstruation, pregnancy, health facilities), termination of employment (PHK) of pregnant female workers, violations of occupational safety and health and cases of harassment committed by superiors or co-worker to rape by work superior; and the condition of repatriated migrant workers who do not receive optimal services from the state.

<sup>x</sup> Komnas Perempuan monitoring data shows that during 2013-2019, there were at least 29 cases related to domestic workers reported to Komnas Perempuan, consisting of economic, physical, sexual and psychological violence.

<sup>xi</sup> CATAHU 2019 National Commission on Violence Against Women. CATAHU 2017 recorded 106 types of KtP in the realm of domestic violence/RP based on Service Institutions. CATAHU 2018 recorded 140 cases, and CATAHU 2019 as many as 20 cases (PN 2 cases, UPPA 1 case, RS 1 case, WCC/OMS 16 cases). CATAHU 2020 recorded 9 cases (PN 2 cases and WCC and LSM 17 cases), and CATAHU 2021 recorded 11 cases (PN 2 cases, LSM 5 cases, P2TP2A 4 cases). Direct complaints to the National Commission on Violence Against Women recorded 4 cases of domestic worker ID in 2017, 3 cases in 2018, 3 cases in 2019, and 17 cases in 2020, while in 2021, there was 1 case recorded.

<sup>xii</sup> Report on the Human Rights Conditions of Women Home Workers: Initial Mapping in 6 Provinces in Indonesia. 2022. National Commission on Violence Against Women.

<sup>xiii</sup> *Ibid.*

<sup>xiv</sup> Report on the Human Rights Conditions of Women Home Workers: Initial Mapping in 6 Provinces in Indonesia. 2022. National Commission on Violence Against Women.

<sup>xv</sup> Komnas Perempuan noted that KSBE increased by more than 1600% from only 97 cases in 2018 to 1697 cases in 2022 #. The speed of the number of KSBE cases is not commensurate with the speed of handling them. Infrastructure for handling cases is not yet available at every level of the police, only at the Polda level. Also, cross-coordination (between police and Kominfo) regarding the account takedown process to fulfil the right to be forfeited has not been established adequately. Changes to the ITE Law in December 2023 also do not eliminate the potential for criminalization of KSBE victims.

<sup>xvi</sup> Komnas Perempuan receives complaints of cases of forced abortion, although it is not limited to rape cases. There were 33 cases of forced abortions recorded in 2016 and 107 cases of forced abortions from 2017-2021. Although CATAHU Komnas Perempuan records an increase in the number of rape cases every year, official data is not yet available on the number of female rape victims who need access to safe abortion services.

<sup>xvii</sup> KUPI is the abbreviation of the Indonesian Women's Ulema Congress. A meeting activity for consolidation, discussion and sharing of experiences and knowledge about the work of Indonesian women ulama in fighting for Islamic, national and humanitarian values. KUPI was initiated by people who care about Islamic issues and gender justice in Indonesia.

<sup>xviii</sup> National Commission on Violence Against Women, Catahu 2023.

<sup>xix</sup> Most were housewives aged 19-58 years (25 cases); female students (14-22 years); elderly aged 62-69 (4 cases); working women aged 25-59 years (5 cases); widows aged 27-41 (4 cases), domestic workers aged 24 years (1 case) and the remainder aged 17-44 years without information about employment/status (12 cases).

<sup>xx</sup> Namely, 9 cases of violence against wives, 1 case of unwanted pregnancy, 1 case of neglect of a sick domestic worker, and two victims of non-consensual distribution of intimate content.

<sup>xxi</sup> Namely, 9 cases of violence against wives, 1 case of unwanted pregnancy, 1 case of neglect of a sick domestic worker, and two victims of non-consensual distribution of intimate content.

<sup>xxii</sup> BPS data that records the educational level of women who become managers is mostly diploma I/II/III graduates at 42.54%, followed by elementary school graduates and below 40.82%, junior high school graduates 33.99%, vocational high school graduates 31.01%, universities 30.38%, and general high school graduates 27.65%.