

**REVIEW AND APPRAISAL OF
CIVIL SOCIETY ORGANISATIONORGANISATIONS
ON 25-YEAR IMPLEMENTATION OF
BEIJING DECLARATION AND PLATFORM FOR ACTION
(BPFA+25)
IN INDONESIA

1995-2020**

**Prepared by: Indonesian Civil Society Organisations
“Gerakan Perempuan Peduli Indonesia for BPFA+25”**

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I. INTRODUCTION

A. BACKGROUND

In, 2020, we shall commemorate the 25th anniversary of the United Nations Fourth World Conference on Women (FWCW) in Beijing, China, 1995. The Beijing Declaration and Platform for Action as the outcome of the Conference, is in line with adoption of the Convention on the

Elimination of All Forms of Discrimination Against Women (CEDAW) 1980, and as a blueprint for gender equality and women's empowerment.

It was a special experience for Indonesia's Civil Society Organisations (CSO) to regularly review the implementation of the Beijing Declaration and Platform for Action (BPFA) in Indonesia during the last 25 years. Indonesia, together with countries all over the world, has given its commitment to the BPFA, as Indonesia already ratified CEDAW by Law No. 7/1984. Indonesia has been actively hosting the Asia Pacific Regional Ministerial Meeting for Beijing Conference in 1994 in Jakarta. The BPFA is important for women, because the process of drafting of its documents had been highly participatory and dynamic and surely with critical debates among the feminist advocates and women organisations. Therefore, the whole process and debates for the present reviews and appraisal should be participatory as well.

So, it is important to observe the civil society organisations' involvement—both at the state level and in the caucuses across the Asia Pacific region and ASEAN—and actions by UN member states, as women's organisations should pay attention to relevant critical analyses and different agendas. The CSO's Network, initiated by GPPI - the Movement of Women Concerned for Indonesia (GPPI), has conducted reviews of the implementation of the BPFA in Indonesia. When this CSOs review was conducted, the review that should have been submitted earlier by Government is not yet available.

An example of critical fields that are highly relevant to, and significant for the BPFA since it was adopted in 1995 until 25 years later, are the Girl Child issues. The Girl Child makes up cross-cutting issues that women and girls are facing; and with 11 other critical areas have come to our attention and become our concern. In every 5 years of BPFA's implementation it will arise emerging issues out of 12 critical areas of concern. Are these 12 critical areas still relevant nowadays? It is apparently that the Girl Child issues have obviously increased. Therefore, it is important to review the implementation of the BPFA in Indonesia.

The 64th session of the UN Commission on the Status of Women (UNCSW) in New York on March 2020 will review and appraise the implementation of the BPFA. The UN member states of the Asia and the Pacific Region have been reviewing and appraising the implementation of the outcome of the 1995 Beijing Conference. The member states have submitted their national reports to the UN Economic and Social Commission for Asia and the Pacific (UN ESCAP) to be reviewed at the BPFA+25 Review on 27 to 29 November 2019.

B. INDONESIAN CSOs POSITION IN THE BPFA REVIEW

Indonesia's CSOs, which are led by the Movement of Women Concerned for Indonesia [GPPI], wishes to contribute to the BPFA+25 Review and Appraisal by Indonesia, as a part of the Asia Pacific and ASEAN regions. This report took into considerations including practical experiences in feminist leadership and political agenda, communication in the form of genuine dialogues, inclusivity and grassroots orientation, intergenerational solidarity and intersectional analyses.

Preparations began with Focus Group Discussion (FGD) on Updates and Review of the implementation of BPFA+25, which was held by the GPPI in collaboration with the National Commission on Violence against Women [Komnas Perempuan], on 9 May 2019 in Jakarta. The discussion was followed up by series of FGDs and a live streaming workshop inviting CSOs from all parts of Indonesia to join the event. Some of these activities were supported by UN Women Indonesia.

We all realise that this year, all member states of the UN are conducting a review and appraisal of the BPFA+25. Indeed, the Indonesian Government has not yet submitted its written review. Therefore it this CSO report is not only important for the overall report but more importantly as recommendation to the Indonesia Government in order to fully reflect the implementation of BPFA in Indonesia including those done by feminists and human rights movement.

II. EMERGING PRIORITY ISSUES

There are three emerging priority issues in Indonesia, that have significant influence on, and result in the higher number of violence against women and threaten the lives and safety of girls and women and prevent them from receiving and enjoying their human rights as women. The Indonesian Government themselves have not yet fully address these issues in the last 5 years (2014-2019). Those three issues include:

1. Elimination of Child Marriage and Protection of the rights to sexual and reproductive health;
2. Freedom from various of violence, stigma, stereotypes and harmful social norms;
3. Elimination of Feminisation of poverty and protection of women migrant workers, victims of natural resources conflicts, indigenous women and trafficking in women.

A. ELIMINATION OF CHILD MARRIAGE AND PROTECTION OF THE RIGHTS TO SEXUAL AND REPRODUCTIVE HEALTH

1. Overview

Elimination of Child Marriage and Protection of the Rights to Sexual and Reproductive Health are emerging issues, and they continue to occur until now.

- a. Indonesia has been one of the countries that regulate minimum age of women to get married in child age such as 16 years old; it is even possible to give a special dispensation for girl before the age of 16 years to get married.; on the other side the minimum marriage age for men is 19 (according to Law No. 1/1974 on Marriage). Just recently on 16 September 2019 the Law was amended to raise minimum age of marriage for women to 19 years. Globally, Indonesia ranked 7 out of 73 countries for the number of cases concerning girl child marriage and ranked second in ASEAN after Cambodia for the same issue. The 2017 data from the Central Bureau of Statistics (BPS) showed that the number of child marriage increased to 25.71% from 23% in 2015. The baseline research conducted by Wahana Visi Indonesia in Landak, Sekadau, Melawi and Sintang districts, West Kalimantan, found that around 15% of the respondents ever got married at age 10-17¹, and out of those who were married at child age, 80% of them were women.
- b. A research revealed 5 main factors that caused child marriage, including poverty, low education level, local traditions, change of values in the community and a lack of awareness and understanding among girl². In a different scenario, low education level due to dropping out from school becomes a threat for children, as they would be forced to marry at the child age by their parents, with an excuse to solve the family's economic burden.³ Although actually, child marriage will just increase the number of new poor families in Indonesia.

¹ Wahana Visi Indonesia's 2017 National Baseline Report

² Sispariyadi, Women Studies Center, Gajah Mada University, Jogjakarta, "Studi Kebijakan Pendewasaan Usia Kawin"

³Sispariyadi, p. 6.

- c. Impacts of child marriage: (1) dropping out from school for children who are married and pregnant, especially nearing National Examination period; there is a lot of news in mass media about the number of students who failed to take National Examination because their parents forced the girl to married. These cases happened such as in Jember (East Java),⁴ Lombok (West Nusa Tenggara),⁵ Indramayu (West Java),⁶ Jambi,⁷ Bali,⁸ Lampung,⁹ Bengkulu,¹⁰ and Landak (West Kalimantan).¹¹ (2) Cases of domestic violence, because psychologically, children are not ready to manage their own families, (3) child labor, as they are confronted by economic needs of their families, children are forced to work despite their lack of capacity to do so, (4) cases of reproductive health due to pregnancy at adolescence age, including babies that suffer from stunting, maternal death or infant mortality.
- d. Education on sexuality and reproductive health for adolescents have yet to be fully embraced, both by the public and the government, so it has not been adopted into the national education curricula. As a result, children then seek such information by themselves and they are not aware of the consequences from learning about it on their own. These consequences, for example, include a growing number of unwanted pregnancies, sexually transmitted infection, sexual and intimate partner violence, unsafe abortion practices and circumcision of girls.
- e. The government has not provided comprehensive sex and reproductive health education for adolescents, including for those in conflict or disaster areas.
- f. The understanding of the State, especially the Government, on the difference between SOGIE-SC (sexual orientation, gender identity and expression, and sex characteristics) and sexual behavior is very low and tend to be biased. This is evident from the growing number of laws, local regulations, and other written state policies that discriminate and criminalize LGBTIQ minority groups, by associating sexual behavior with the LGBTIQ. One example is the Law on Pornography, Elucidation Chapter, Article 4, Paragraph 1, Point (a) of Law No. 44/2008 on Pornography states that the definition of "*deviant sexual intercourse*" includes sexual intercourse or other sexual activities with corpses, animals, oral sex, anal sex, lesbian and homosexual.

2. Achievements

⁴Merdeka.com, Siswa SMPTS di Jember Gagal UN Sebagian Karena Nikah Dini, <http://www.merdeka.com/peristiwa/245-siswa-smpmts-di-jember-gagal-un-sebagian-karena-nikah-dini.html> (Accessed on 15 June 2014).

⁵Republika.co.id, Empat Siswa SMP di Lombok Gagal UN Karena Menikah, <http://www.republika.co.id/berita/pendidikan/berita-pendidikan/11/04/25/lk7fcb-empat-siswa-smp-di-lombok-gagal-un-karena-menikah> (Accessed on 15 June 2014).

⁶Radarcirebon.com, Tiga Siswa Gagal UN Karena Menikah, <http://www.radarcirebon.com/3-siswa-gagal-un-karena-menikah.html> (Accessed on 15 June 2014).

⁷Pelita.or.id, Gagal UN karena Menikah, <http://www.pelita.or.id/baca.php?id=90947> (Accessed on 15 June 2014).

⁸Balipost.com, Menikah, Tiga Siswa di Buleleng Batal ikut UN, <http://balipost.com/read/headline/2014/04/14/9522/menikah-tiga-siswa-di-buleleng-batal-ikut-un.html> (Accessed on 15 June 2014).

⁹Tribunnews.com, Banyak Putus Sekolah karena Menikah, <http://lampung.tribunnews.com/2012/05/02/banyak-putus-sekolah-karena-menikah> (Accessed on 15 June 2014).

¹⁰Teibunnews.com, Ratusan Siswa di Bengkulu Tidak ikut UN karena Terpaksa Nikah dan Bekerja, <http://www.tribunnews.com/regional/2014/05/06/ratusan-siswa-di-bengkulu-tidak-ikut-un-karena-terpaksa-nikah-dan-bekerja> (Accessed on 15 June 2014).

¹¹Rakyat-kalbar.com, Banyak Siswa Putus Sekolah Karena Menikah, <http://www.rakyat-kalbar.com/landak/030514/banyak-siswa-putus-sekolah-karena-menikah> (Accessed on 15 June 2014).

- a. The success of civil society movement in their advocacy work of encouraging the state to revise legislation, in order to prevent and eliminate practices of child marriage in Indonesia, through reviews or academic researches, for judicial review, by lobbying the stakeholders, campaigns and giving public education to people of various age, from children to adults.
- b. Twelve local governments, including West Nusa Tenggara and Bengkulu Provinces, Gunung Kidul and Kulon Progo Districts of Yogyakarta, Bojonegoro District of East Java, West Lombok, Ponorogo District of East Java, South Konawe District of Southeast Sulawesi, Katingan District of Central Kalimantan, Seluma District of Bengkulu, Gunung Mas District of Central Kalimantan and North Kayong District of West Kalimantan, have issued regulations and written policies for their respective areas on prevention of child marriage.
- c. The State, in this case executive, legislative and judicial institutions, have agreed on a law reform that raises the minimum age of marriage for children especially girl, which have to be minimum age 19 years and have to be non-discriminatory.
 - ✓ The Constitutional Court, by virtue of its ruling on case no. 22/PUU-XV/2017 concerning Review of paragraph 1, article 7, of Law No. 1/1974 on Marriage, has mandated revision of the Marriage Law to the DPR RI and the Government, to raise minimum age of marriage for girls.
 - ✓ The DPR RI and the Indonesian government, in this case the Ministry of Women's Empowerment and Child Protection, on 16 September 2019 have agreed to revise paragraph 1 of article 7 of the Marriage Law by setting minimum age of marriage for women to be the same as that for men, which is 19 years old. This is a very important achievement and achievement of long-term advocacy by women's movements and civil society organisation organisations that have been urging for the Government's cooperation in revising laws that discriminate women.
- d. The public has started changing their mindset and perspectives and now they realize that girls under the age of 18 should not be married off and know the importance of reproductive health knowledge for adolescents, in order to avoid unwanted pregnancies.
- e. Advocacy works of civil society organisation organisations that push for the incorporation of reproductive health materials into school curriculums, such as the PKBI Yogyakarta has done together with the local government of Kulon Progo; they produced a curriculum on reproductive health education for junior and senior high schools in the District and later it was adopted by the district government of Kulon Progo, Yogyakarta.
- f. With CSO's urging, the Government has repealed Health Ministerial Regulation on Female Circumcision by issuing Health Ministerial Regulation No. 6/2014 on Revocation of Health Ministerial Regulation No. 1636/Menkes/Per/XII/2010 on Female Circumcision.
- g. The Government has issued Government Regulation No. 61 /2014 on Reproductive Health.

3. Obstacles and Challenges

Efforts to revise the law concerning minimum age of marriage, especially for girls, have been made since 1990s and indeed, they do not always go well. Some of the challenges encountered are as follows:

- a. The perspectives of the state, in this case executive, judicial as well as legislative institutions, are still biased toward certain interests when considering the impacts on children when they get married below the age of 18 (as per the Convention on the Rights of Child). The interest of better life for children has yet to become common mindset. This in turn has led to laws that continue discriminating girls.
- b. The deeply embedded view or perspective of the community and public officials that information about sexual and reproductive health is taboo or not supposed to be delivered to children, adolescents and unmarried women. Thus, it is difficult to promote education on reproductive and sexual health that is comprehensive and applies gender justice at schools and public service platform.
- c. The growing presence of fundamentalist groups that have belief and conception that once a girl has had her first menstruation, she is fit for marriage. The psychological condition and reproductive health of children, especially girls, below 18 years old are very vulnerable to problems and those groups never consider these issues. As a result, they agree with child marriage. Then in turn, this view strongly influences the public.

4. Recommendations

- a. Follow up on the new revision of the Marriage Law that has raised the minimum age of marriage for women to 19, by preventing dispensation for child marriage and recommend every area/city and district to uphold the law and eliminate child marriage.
- b. Promote government policies to ensure there is no discrimination in fulfillment of rights to reproductive and sexual health for women—girls and female adolescents alike—single women, as well as minority groups, the disabled, women and children with HIV/AIDS, LGBTIQ, etc.
- c. Urge the adoption of the Bill on Eradication of Sexual Violence (PKS Bill) into a law.
- d. We continue urging the community itself to continue promoting education in women reproductive and sexual rights and health, elimination of female circumcision, nutrition for pregnant women to address maternal and infant mortality, which occur as impacts of child marriage and unsafe abortion.
- e. The Government should develop comprehensive and non-discriminatory education on reproductive and sexual health, as part of the school curricula.

B. FREEDOM FROM VARIOUS OF VIOLENCE, STIGMA, STEREOTYPES AND HARMFUL SOCIAL NORMS

1. Overview

The 2017 data from the Central Bureau of Statistics stated that 1 in 3 women in Indonesia has experienced physical and/or sexual violence by her partner and non-partners; this is a reflection of the situation of Indonesian women who are not free from all forms of violence and discrimination.

- a. The rate of violence against women remains high in Indonesia. The National Commission on Violence against Women [KOMNAS Perempuan], in its annual report stated that the number of cases of violence against women had been rising in the last three years, from 259,150 cases in 2016 to 348,446 cases in 2017, and it went up further to 406,178 cases in 2018.
- b. The scope of violence that occurs still include private, community and state domains, and the forms of violence that take place include domestic, sexual, physical, economic violence, etc.
- c. Sexual violence with forms of modus operandi and media used by perpetrators targeted to female victims, girls to adult women. Online media has also become an arena where the sexual violence occurs. National data from the 2019 Annual Report of Komnas Perempuan stated that there were 13,568 cases of sexual violence in 2018.
- d. Female Genital Mutilation/Circumcision practices, known as *sunat perempuan* in Indonesia, continue to take place. The UNICEF Indonesia stated that at least 13.4 million of Indonesian women aged 11 or below might have practice female circumcision. Most Indonesians have their daughters circumcised because it is recommended by their religion (96%), or recommended by tradition or culture (94.3%), and because a majority of people living in the city do that (93.1%). These practices can be carried out by performing one of the following procedures: by holding a symbolic ceremony, by grazing, cutting, or removing part of a woman's clitoris. These practices are done in the name of culture, traditions or religious instructions.
- e. Patriarchal mindset and perspectives still have a firm grip on the community. This had led to discrimination against women and their rights not being fully recognized. *The political field*, for example, continues to see low participation of women in decision-making process and at leadership level, *in education sector*, women's illiteracy rate is higher than men's, with around two third of 3.4 million illiterate people are women. There are more illiterate women (2,258,990 women) than illiterate men (1,157,703 men)¹². In health sector, the maternal mortality rate in Indonesia remains high, i.e. 305/100,000 live births, issues of women's rights to reproductive health at workplace such as menstrual and maternal leave, etc.; in economic sector, women are not yet recognized as economic players, but they are rather placed as those who support or complement men, in labor sector, there has been a pay gap between men and women for the same type of jobs. In environmental sector, women do not have complete freedom to access available natural resources because men control these resources; similar situations are also found in other sectors.
- f. Indonesian migrant workers often suffer violence, or even are killed or confined, etc. However, the state protection is still very few in giving protection to them.

¹² Revealed by Director General of Early Childhood Education and Public Education (Dirjen PAUD dan Dikmas) of the Ministry of Education and Culture Harris Iskandar in Jakarta.

- g. Women suffered violence on the basis of gender, stereotype, and hate that was committed follow by mass persecution during the Jakarta gubernatorial Election: such as case of Hate Speech and Rape with elements of ethnicity, religion and race (SARA) in the 2017 Jakarta gubernatorial Election; Politicisation of Ethnic Identities and Resurrecting the Trauma of May '98 Tragedy, and Elderly Woman Who Passed Away Threatened Not to Receive Islamic Funeral Prayer. Even a woman who was victim of rape then ended with unwanted pregnancy, she was punished and blamed for performs illegal abortion by a District Court sentenced in Jambi (2017); and the University Andalas issued a restricted letter required candidat students to re-apply and submit a Self declaration to stated that He/She is free from LGBT (2017).
- h. Between 2000 and 2016, there were 421 discriminatory policies applied in the name of religion and morality and these marked the increase of conservatism, discrimination and intolerance against minority groups around Indonesia (Komnas Perempuan Report).

2. Achievements:

1. The Civil Society Organisation Organisations Movement, which is initiated by women's organisation organisations, has been very active in its advocacy and in submitting policy papers and a draft of the Bill on violence against women—especially in relation to addressing sexual violence, elimination of female circumcision and prevention of child marriage.—as lobbying documents to the Government and Parliament, both at national and regional/local levels.
2. The advocacy work of civil society organisation organisations in a number of areas has resulted in commitments and local regulations or policies to address violence against women, for instance, the Integrated Care Center for the Protection of Women and Children (P2TP2A) that is available in provinces and districts across Indonesia and directly supported by Minister of Women's Empowerment and Child Protection.
3. The Jakarta Government issued gubernatorial Regulation No. 154/2017 on free forensic medical examination for women and children—who are victims of violence—in DKI Jakarta.
4. An agreement among 13 Ministries and State Institutions to take integrated actions to address Violence against Women (2017).
5. A special Regulation for Papua about Recovery of the Rights of Papua Indigenous Women Who Are Victims of Violence and Human Rights Violations that was issued in 2011 but was only applied by virtue of a gubernatorial Decree in 2018.
6. Jayapura gubernatorial Regulation No. 35/2019 on setting up no violence against women zones.
7. The advocacy work of women's organisation organisations together with civil society organisation organisations and legal aid foundations and supported by Komnas Perempuan or related institutions in handling some cases of violence that women suffered as victims of persecution or criminalisation, has received positive responses in the form of government policies. For example, the amnesty granted by the President in the case of a female teacher named Baiqh Nuril, a victim of verbal sexual harassment committed by her school principal in Mataram. She have got a criminal punishment from the Supreme Court that ruled her guilty of violating the Law on Electronic Information and Transactions (ITE Law). In August 2019, the head of the state pardoned Nuril by freeing her from the execution of a verdict that has sentenced her to imprisonment, on the basis of humanity and justice for a woman who is a victim in this case. Another example, a

female doctor stationed at Solok Regional Hospital (RSUD), West Sumatra, suffered persecution and terror from a group of people after she posted her statement on social media (May 2017), she was forced to move from her hometown (West Sumatra) in order to save herself and her family.

8. The judges have begun conducting training for trainer of judges (TOT) to build their capacity in applying a number of laws related to domestic violence, trafficking in women, and to give women fair access to the court

3. Obstacles and Challenges

- a. Gender-biased perspectives of the policymakers in ministries and state institutions result in policies or laws that are discriminatory against women.
- b. The growing gender-biased, patriarchal norms and culture in the community that are harmful to women. For instance, women are still considered as the ones who trigger domestic violence because they dare to defy their husbands, they continue to be blamed for the way they dress, which prompts rape, women are not qualified to become leaders and other rules that are highly discriminatory against women.
- c. Lack of legal protection that clearly give protection and secure justice for women as victims of sexual violence and other gender-based violence such as sexual harassment against women and girls, circumcision of girls, practices of girl marriages, as a result, there are many cases where victims are instead criminalised or instead face counter-suits from perpetrators of the violence.
- d. The growing fundamentalism among certain religious groups and mass organisation organisations that disagree with the concept of gender equality and justice and later, this was incorporated into the current government's working pattern.

4. Recommendations

- a. The Government and DPR RI should immediately pass the Bill on Eradication of Sexual Violence, which is advocated by civil society organisation organisations, scholars and KOMNAS Perempuan.
- b. Enforcement of laws that include gender perspectives and give protection to women who are victims of violence without any discrimination on the basis of tribe, religion, race, ethnic, gender, sexual orientation and education level.
- c. The Government should incorporate the principle of gender equality and justice in the curriculum and education system in Indonesia.
- d. The Government should ratify the ILO Convention No. 190 on Elimination of Sexual Violence and Harassment at Work soon.

C. ELIMINATION OF FEMINISATION OF POVERTY AND PROTECTION OF WOMEN MIGRANT WORKERS, VICTIMS OF NATURAL RESOURCES CONFLICTS, INDIGENOUS WOMEN AND TRAFFICKING IN WOMEN.

1. Overview

Indonesia is a country that has natural and human resources in abundance. However, these natural resources are controlled only by a small percentage of rich people, who are followed by a middle class; the rest still live near poverty line and belong to the poor class. Poor women make up the biggest group of the poor population.

- a. Out of almost 9.4% of Indonesia's population (as per March 2019) or around 25.14 million people are poor and more than half of them live in rural areas.¹³ And there are more women than men in every age group of the poor population. Some women groups have been the pockets of poverty, including women who live in rural areas (farms, plantations, coastal areas, near the forests, close to mining sites), poor female labor, female home workers, female domestic workers (PRT), women who became poor as a result of natural disasters, LGBTIQ minority groups, elderly women, sex workers, and disabled women. A woman's poverty will be even more apparent when she becomes head of the family, or when she is the main breadwinner in a male-headed household. These women's groups are scattered in provinces called underdeveloped areas, such as West Papua, Papua, East Nusa Tenggara (NTT), West Nusa Tenggara (NTB), Southeast Sulawesi, Central Sulawesi, West Kalimantan, Maluku, and North Maluku.
- b. Despite the abundant natural resources, the nearby areas face an exceptionally high rate of poverty and very poor quality of life. Women are particularly vulnerable to various impacts of environmental damage that hit the areas around mining and energy companies, oil palm plantations, such as: difficulty of getting clean water and healthy food materials from their own area, in order to meet daily family needs, malnourished children, unhealthy environment and sanitation, prone to illness, etc. Worse, domination of land control at a massive scale for investment interests in Indonesia has taken away women's living space and source of income, destroyed natural environment, and ultimately led to agrarian conflicts that often come with violence and criminalisation that are committed by the state. The disparity in social and state systems has resulted in multi-layered impact and impoverished women (feminization of poverty).
- c. The National Disaster Mitigation Agency (BNPB) at the end of 2018 reported that there were 2,426 disasters that hit Indonesia, and most of them were floods, landslides and tornados, which hurt thousands of victims. Around 96.6% of the 2,426 disasters were hydrometeorology disasters (climate disasters).¹⁴ The widespread damage that hits watersheds, critical lands, the rate of forest damage, environmental damage, are reasons behind the high number of climate disasters. Even last year, the BNPB stated that the rising number of disasters in Indonesia indicated emergency ecological situation. In various disasters, women and children experience worse impacts than men.
- d. Data from the Central Bureau of Statistics (BPS) in 2018 showed that 51.88% of Indonesian women aged 15 and above participated in the workforce (whether they are working or seeking

¹³ Source: <https://www.kominfo.go.id/content/detail/19981/6-bulan-terakhir-jumlah-penduduk-miskin-berkurang-530-ribu-orang/0/berita>;

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<https://money.kompas.com/read/2019/07/15/135853726/maret-2019-penduduk-miskin-indonesia-turun-jadi-2514-juta-orang>.

¹⁴ "Deretan bencana alam mematikan yang menerjang Indonesia sepanjang 2018," source: <https://www.bbc.com/indonesia/majalah-46691586>

for jobs).¹⁵ This figure was far below that of men that was around 82.69% (2018).¹⁶ The lower figure was also due to the fact that a lot of women work in informal and domestic sectors, for example as domestic and home workers whose number is significant but they are not recognized as workers. Female Domestic Workers (PRT) group. According to the ILO, today, over 4 million women work as PRT in Indonesia and more than another 3 million work as migrant PRT in other countries.¹⁷ Data from the Central Bureau of Statistics (BPS) showed that there was a total of 12 million female home workers and this figure was higher than that of male home workers (7 million).¹⁸

- e. Female labor group is also vulnerable to poverty. Although this group is protected by regulations on regional minimum wage (UMR) and guarantee of occupational safety, its members still live in borderline poverty. Having received wages as per the UMR regulation, this group receives none of the subsidies provided by the government. The problem is, they really only have a 'minimum' essential standard of living, and when economic crisis hits, even a small one will make them highly vulnerable to poverty. This female labor group also faces a lack of facilities or services that would ease their burden and help them perform their tasks as a mother, such as childcare facilities at work or the ones provided by the government and benefits for reproductive health services.

2. Achievements

- a. The Indonesian Government has issued a range of policies, including laws to address poverty and lessen the gap and towards distribution of welfare. The Law on Village is an umbrella law for combating poverty and distributing development in rural areas. This law also allows the community to participate more and get involved in the development. To increase and reinforce land ownership among the general public, the Government also distributes land certificates for free. In addition, poor people receive social security (aid for education, health, home repairs, etc.). Nevertheless, criticism should be made to the implementation of the Village Law as it tends to leave behind vulnerable groups in the community, like women, children, the elderly, the disabled, and LGBTIQ groups, when it comes to village development, from its planning up to its implementation, or even tends to be insensitive to the needs of these vulnerable groups.
- b. The Government has amended the Law on protection for Indonesian Migrant Workers (PMI) through Law No. 18/2017 and other policies towards empowerment of communities in areas that send a lot of PMI. In this case, the achievement worth recording is the thriving cooperation between the Government and the NGOs working for advocacy of PMI or those that work in areas that send a lot of PMI. As a result, the use of remittance or PMI-related government programs can be optimized for the

¹⁵ The Central Bureau of Statistics, 2018.

¹⁶ "Briefing note for countries on the 2018 Statistical Update Indonesia, UNDP Report", downloaded from: http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/IDN.pdf

¹⁷ https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/presentation/wcms_553078.pdf lihat juga <http://pubdocs.worldbank.org/en/357131511778676366/Indonesias-Global-Workers-Juggling-Opportunities-Risks.pdf>

¹⁸ <http://buruh-online.com/2017/12/turc-pekerja-rumahan-akibat-lambannya-penciptaan-lapangan-kerja.html>; also see <https://www.bps.go.id/statictable/2009/04/16/971/penduduk-15-tahun-ke-atas-menurut-status-pekerjaan-utama-1986---2017.html>

community's sustainable economic empowerment (Desbumi—Care for Migrant Workers Villages—and Desmigraf—productive migrant villages).

- c. Civil society organisation organisations (CSO) and non-governmental organisation organisations (NGO) also implement community support for the purpose of economic empowerment and capacity building, so local residents can be involved in the development process in their areas. In the last few years, NGOs have shifted the focus on their work, from providing basic services to more sustainable economic empowerment and advocacy. For example, the PEKKA institution offers programs on women's economic empowerment and capacity building for female heads of households; women's organisation organisations also founded women's schools and cooperatives in many areas, as facilities for women's economic empowerment and capacity building.
- d. Some CSO, including women's organisation organisations, concerned with the environment have carried out continuous community support and empowerment by reinforcing food sovereignty and preserving nature and the environment. Organisation Organisations that mainly work in areas vulnerable to natural resources conflicts, agrarian conflicts, and conflicts with plantations, also do advocacy work together with (adat) communities and indigenous population. The most important achievement is the resistance of women, together with civil society organisation organisations, against the injustice they face, for example, women refused the presence of a cement factory in Kendeng, Central Java; they opposed the construction of a hydropower plant (PLTA) in Seko, South Sulawesi; they rejected the presence of a mining site in NTT and another in Sumatra, etc.

3. Obstacles and Challenges

- a. The biggest obstacles preventing women from working are 'mindset' and cultural and religious reasons. The view that 'work' for women is on a necessity basis, instead of based on the equality principle, remains strong; for example, concerning the rights of men and women at work; there is also a deeply-embedded cultural perception—that women have to stay home to take care of the household, so there is nothing that requires women to work outside, if the situation makes women have to work in order to meet her financial needs, they will have to compromise by taking jobs that they can do at the same time when they are taking care of their family. As a result, many women have to find jobs at informal sectors, the ones that they can do without neglecting their job to take care of their households, such as domestic workers, house workers, running business from home, etc. On the other hand, even though there is a large number of women working at informal sectors, they have not received any protection and other types of social security.
- b. Implementation of the laws and various policies is still weak, that it is important to oversee it, such as the one related to protection for the PMI, both during recruitment process within the country and when the PMI are working abroad. Within the country, it is also essential to uphold these regulations in order to prevent and eradicate human trafficking practices. Looking ahead, efforts to provide protection for the PMI, especially in Saudi Arabia and Malaysia, still face major barriers or obstacles, given that Indonesia's bargaining position and diplomacy is still relatively weak, that many human rights violations against the country's woman migrant workers keep repeating themselves.
- c. Although the state admits that women play a significant role in efforts to save the environment and natural resources, and also admits that there are big issues between women and the

environment, women's position is particularly vulnerable to various impacts of environmental damage. In many cases, women who defended their living space in areas near mining sites and plantations were even brought into conflicts with the rules and business owners, and many of them were criminalised at the end. There are serious challenges ahead, following the Government's decision to welcome as many investments as possible, in addition to threats of environmental damage and agrarian conflicts caused by oil palm plantations, on which the Government still rely, since Indonesia is one of the biggest palm oil exporters in the world.

- d. The Indonesian Government's focus for the future, in relation to "raising human resources competitiveness and competition" towards competition with other countries, should be criticized given the high gender disparity in Indonesia. Such competition will only burden women further if their reproductive role is not appreciated and their burden and responsibilities in domestic domain are not shared with others. Women are also not going to win this competition if they remain in the relatively unequal position in terms of power and capital, and access to resources
- e. The women's role should be highlighted in the Industrial Revolution 4.0 discourse, since industrial science, technology, engineering, and mathematics are male-dominated fields. A lack of women with technology insights might make women not getting any place in strategic plans concerning Industrial Revolution 4.0. Although there is a tendency among young women, especially those who have higher education and live in urban areas, to enter technology-based creative industry, poor women in villages almost have no access to any technology that they can use to move forward, for example, farming technology, food processing, etc., that can help them in their daily lives or their job. Tehcnology remains very expensive and unaffordable for them.

4. Recommendations

- a. The state should draft laws, policies and regulations that protect the community's rights and sovereignty over its land and living space, and particularly the rights of women, including:
 - 1) deliberating and passing the Bill of Indigenuous Communities that protect these communities' living space and rights;
 - 2) reviewing the overlapping regulations, especially those concerning use and utilization of lands/areas, including spatial planning that discriminates women
- b. The state should engage women's participation when decisions are being taken for planning development, from village to national scale. This also means that when women reject a development project/investment, they should be heard, instead of criminalised.
- c. The State should draft regulations to protect female workers, to ensure they will not suffer any discrimination, and receive equal access to employment and job opportunities, banking services, capacity building training, and access to other economic resources. The House of Representatives (DPR) and the Government should immediately pass a range of bills or amendments to laws, or conventions to protect women, such as, Bill on Protection for Domestic Workers, ILO Conventions No. 190 and No. 189.
- d. For the CSO, they should continue their advocacy of regulations that ensure protection, social security and fulfillment of women's economic, social and cultural rights in various sectors, including employment, education, health, land ownership, and other living space.
- e. For the CSO, they should build up the capacity of the community, particularly women in various groups, and especially at the grassroots, in order to participate in the development process, from its planning to its implementation. Also, they particularly should criticize development programs that are not sensitive to the needs of vulnerable groups, such as: women, children, the elderly, the disabled, and LGBTIQ group, in the development process,

from its planning to its implementation, and criticize development programs that do not include environmental perspectives.

III. IMPLEMENTATION OF 12 AREAS OF CRITICAL CONCERNS IN WOMEN'S LIVES

A. WOMEN AND POVERTY

1. Overview

For the last 15 years, development in Indonesia has alleviated poverty and increased the growth of upper middle class. After recovered from the Asia financial crisis, Indonesia's GDP per capita grew by an average of 5.4% annually for the period of 2000-2014. The poverty rate dropped by more than half, from 24% during the crisis to 11% in 2014 and to 10.64% in 2017— a slightly 0.2% declined from the previous year — and to 9.4% in March 2019. In 2010, the middle class in Indonesia has increased into 45 million people and it rose to 60 million in 2019, and the figure is projected to be 80 million in 2020. As a nation with inhabitant almost 260 million, a fifth of Indonesians belong to this middle class. However, there are still estimatedly 200 million Indonesians who are projecting to be the middle-income group, and yet are vulnerable to poverty, and with estimation 25 million are still poor. The composition of the rich, the middle up, the average, and the poor, still shows huge economic and social gaps. The gaps are still wide to redistribute the prosperity.

On the other hand, the Global Hunger Index 2018 data stated Indonesian's health quality with 'serious' health problems category. With a score of 21.9 (for 2018), Indonesia ranked 73rd out of 119 countries.¹⁹ In another sector, although the country has seen an increase in its 'length of education/school years' but its educational attainment actually has not reached 12 years (equivalent to senior high school completion). Indonesia's work force continues to be dominated by workers who only completed junior and senior high school. The country has a high economic disparity and it is one of the worst; in 2018, its gini ratio stood at 0.389, much higher than the Government's target of 0.36%.

Amongst 9.4% of the poor in Indonesia' and more than half of them live in rural areas. The number of poor women is higher than men in every age group of population. The enclave of poor women includes women who live in rural areas (farms, plantations, coastal areas), poor female labor, home-based female workers, female domestic workers, poor women who affected by natural disasters, LGBTIQ group, elderly women, sex workers, and disabled women. A woman's poverty will be even more apparent when she becomes head of the family, or when she is the main breadwinner in a male-headed household.

Poverty also continues to be the biggest factor that has pushed women to migrate for work and become Indonesian migrant workers (IMW) abroad. Most female IMW work as domestic workers or in other informal sectors where protection for workers, regulations, and supervision are lacking. Indonesia has become highly ranks on the global list of countries that drive women and children into human-trafficking and becoming the victim to organ trafficking. Most victims of child trafficking came from poor families and the majority of organ trafficking victims are street children who were born into poor families.²⁰

¹⁹ Source: <https://www.globalhungerindex.org/indonesia.html>

²⁰ Media Indonesia 24/1/2011

Enclave of women's poverty are still dominated by women who live in (1) Rural areas (farms, plantations, fishermen villages, communities near the forests); (2) who take informal/domestic work (as domestic workers, home-based female workers). Jobs in these sectors are not yet protected by regulations (in terms of wages, social security) and those who take such jobs suffer from exploitation/poor working conditions and have no access to various government subsidies (as an example, to compare between male farmers or male fishermen with their female counterparts: for the same job – men and women receive different wages, female farmers or fisherwomen are even considered only helping their husbands who work in the same fields, male farmers or male fishermen enjoy subsidies—for example, fertilizers, fishing nets/boats—they also get health benefits, while their female counterparts are not provided with any of these subsidies or benefits).²¹ Women who live and work in those areas bear double burdens (paid work and household work/taking care of the family, for which they are not paid). These women's groups are distributed in provinces called underdeveloped areas, such as West Papua, Papua, East Nusa Tenggara (NTT), West Nusa Tenggara (NTB), Southeast Sulawesi, Central Sulawesi, West Kalimantan, Maluku, and North Maluku.

Female domestic workers (PRT) group. According to ILO, there are more than 4 million women working as PRT in Indonesia and over 3 million Indonesian women are being employed in the same position in other countries.²² Members of this group, both who work in Indonesia and abroad, have yet to receive protection from the regulations. They are highly vulnerable to a range of issues concerning poor working conditions, such as: no minimum wage, working for long hours, no health/employment protections, under poor working conditions, and exposed to various forms of violence.

Female labor group is also vulnerable to poverty. Although this group is protected by regulations on regional minimum wage (UMR) and employment protections, its members still live in poverty line. This group receives none of the subsidies provided by the government, although there is UMR regulation. The real problem because they live in the 'minimum' standard of living, and when a small economic crisis hits, it will make them highly vulnerable to poverty. This female labor group also faces a lack of facilities or services that would ease their burden and task as a mother, such as childcare facilities at work or the ones provided by the government.

Poverty in Indonesia is also related to the child marriage. Child marriage severely influences the depth of poverty index and could also result in practices of violence against women and may endanger the health, safety, and lives of the girls. Some area has come under scrutiny due to their rates of child marriage, including South Kalimantan, Central Kalimantan, Bangka Belitung, West Sulawesi, Southeast Sulawesi, South Sulawesi, Central Sulawesi, NTB-North Lombok, Papua, and Pamekasan Madura. There are many impacts of child marriage, such as: physically and mentally, girls are not ready to become a wife/a mother; issues of vulnerable reproductive health and sexuality; girls tend to suffer from domestic violence, if they are not financially ready to get married, consequently, they will lead a family life in poverty, etc.

2. Progress

²¹ Refer to Act No 7/2016 on the Protection and Empowerment of Fishermen, Fish Raisers and Salt Farmers. Even though this Law offers excellent protection for fishermen, but there are many problems in its implementation, particularly in relation to fisherwomen.

²² https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/presentation/wcms_553078.pdf see also <http://pubdocs.worldbank.org/en/357131511778676366/Indonesias-Global-Workers-Juggling-Opportunities-Risks.pdf>

First Goal. To review, adopt, and maintain macroeconomic policies and developments strategies that respond to women's needs and efforts in poverty alleviation

1. The government, in its “Nawacita” (a nine-point development program), has made a commitment to alleviate poverty by implementing “Social Protection Programs”. They are as follows: 1) Family Hope Program / *Program Keluarga Harapan* (PKH)—conditional cash transfer assistance; 2) Non-Cash Food Assistance/*Bantuan Pangan Non Tunai* (subsidized food); 3) Electricity subsidised, fuel (BBM), liquefied petroleum gas (LPG) (subsidised energy); 4) Indonesia Smart Program / *Program Indonesia Program* (PIP) Program (education subsidised); 5) Healthy Indonesia Program / *Program Indonesia Sehat* (health subsidised); 6) Family Welfare Card (cash transfer) / *Program Keluarga Sejahtera* (PKS). PKH has the following main objectives: 1) To develop a comprehensive social protection system; 2) To increase basic services for poor and vulnerable communities; 3) To build sustainable livelihood for poor communities by creating job opportunities and developing entrepreneurship.
2. Act No. 6/2014 on Villages, which is popularly known as the Village Act, it gives basis for development of villages as an effort to improve quality of living and livelihood towards the prosperity of village community. In this case, all village inhabitants, without any exception, are entitled to enjoy the same access to village development, especially concerning opportunities for vulnerable and poor groups, including women, to access economic empowerment programs in villages. This act on Villages can be the tools poverty alleviation and economic empowerment programs for groups of poor women and other vulnerable groups. The challenge lies in enabling poor and vulnerable women groups to access the available programs on village development.
3. The policy on strengthening home industries for women was also put in place by adoption of Women's Empowerment and Child Protection Ministerial Regulation No. 2/2016 on “General Guidelines for Development of Home Industries in order to Improve Family Welfare through Women's Empowerment”. The goals of this policy include developing women's potential from scratch, so they can reach their full potential; building capacity of women who run micro businesses and transform into small business owners; increasing women's capability to start their own business; building women's skill in production.

Second Goal. To amend laws and make changes in administrative practices in order to ensure equality for women's rights and access to economic resources

1. In recent years, there have been many improvement and reforms to government administration and bureaucracy in public services: such as offering and distributing social security and subsidies, e.g. health, education, and other assistance, using a range of “cards”, which make it easier for administration, for example, in transferring the subsidies. This kind of administrative process also helps reduce leaks in distribution of the subsidies.
2. One of President Jokowi's programs that plays a significant role is the land certification program. This program is important for the community, since it hands out land certificates to them as legal proof of their land ownership. In addition, they can put up the certificates as collateral when they apply for a loan to the bank. There are 116 million of certificates that should be handed over to the community. Until 2015, there were around 46 million of them have been issued. This program concerns more than land ownership administration, but most importantly, it is also about ownership of living space and resources for beneficiaries.

Third Goal. To give women access to savings and financial institutions and credit mechanisms

1. To alleviate poverty and improve women's welfare, in the last several years, the Government has launched several numbers of policies on gender-mainstreaming based economic empowerment programs for women, particularly in Small and Medium Enterprises (SME) sector; it included: Ultra-Micro Financing (UMi) and Permodalan Nasional Madani's Prosperous Family Economic Development (PNM Mekaar) program, expansion of People's Business Credit / *Kredit Usaha Rakyat* (KUR) program, certification and standardisation of Cooperatives and SME / *Kredit Usaha Kecil dan Menengah* (KUKM) products (this is related to intellectual property rights), Ultra-micro Loans / *Kredit Ultra-micro* (KUMi), import facility for export-oriented products / *Kemudahan Impor untuk Tujuan Ekspor* (KITE), cooperative's legal assistance for small and micro businesses, facility for Small and Micro Enterprise Business Permits / *Izin Usaha Mikro Kecil* (IUMK), human resources capacity building through entrepreneurship development, and revolving credit facility for Micro, Small and Medium Enterprises (MSME).²³
2. There are many CSOs, including women's organisationorganisations, also have women's economic empowerment programs, such as business groups and cooperatives. These programs are facilitated and supported by CSOs. It provides women with a lot of access to found savings and loan cooperatives or to open savings accounts; it has been difficult for those women to receive financial services from financial institutions such as banks.

Fourth Goal. To develop gender-based methodology and to conduct research to address feminisation of poverty

1. Gender mainstreaming across ministries has proved the Government's commitment to embrace gender issues as well as women's empowerment.
2. Women's organisations also employ a lot of analyses of gender and gender mainstreaming in community support activity programs. These gender analyses are also often used to criticise regulations, government policies, development planning, in budgeting for development spending, even for implementation in the field, which would have impacts on women.
3. Civil society organisationorganisations also have a long history in economic empowerment of women's groups at grassroots level, using a variety of different methods or approaches. The PEKKA²⁴ (Female Heads of Households) Foundation, since 2001, has developed economic empowerment for women who are heads of their households. The foundation developed a "community-based, self-sufficient" economic concept, which is applied collectively, by taking advantage of local potential and resources to improve local community's welfare, with implementation of programs of Savings and Loan Groups and Community-Based Financial Institutions / *Lembaga Keuangan Mikro – Berbasis Komunitas* (LKM-SISKOM) under a cooperative system, PEKKA-MART, and Community-Based Travel (CBT).

3. Emerging Priorities

1. The Government has designed many poverty eradication and alleviation programs, including those targeted to poor women, and one of them was stated in the Act on Villages, i.e. the village fund program that is expected to alleviate and eradicate poverty. However, implementation of those programs still faces many obstacles and challenges in the field, bureaucracy reforms that have not been put fully in place due to poor administrative practices, for example, lacking of data, or the programs targeted the wrong groups, or misused of village funds, etc. To address such cases, CSO can partner with the Government, or monitor the implementation of those policies and programs.

²³ <https://www.kemenpppa.go.id/index.php/page/read/29/1727/3>

²⁴ Source: 15 Tahun PEKKA.

2. There are many regulations that are difficult to be implemented and the Bill on Women's Protection has been confronted by numerous obstacles from groups that disapprove of the bill, or that have different sectoral/exclusive interests, although those regulations and bills play important roles in helping women, especially the poor ones. For example: The Bill on Domestic Workers entered the parliament more than 10 years ago, but it has yet to be enacted, a regulation on protection for women in home industries, the struggle to increase minimum age of marriage in order to prevent child marriage, etc. And this kind of situation calls for advocacy work by CSOs.
3. Patriarchal culture and point of view remain strong and continue to be underlying reasons for different forms of discrimination at work and in accessing to economic resources, between men and women, and as a result, considerable economic and gender disparity persist. Thus, critical education work is still needed to reform the patriarchal mindset. The situation also demands for development of a range of approaches or methods based on justice and equality perspectives.
4. Different policy programs that the Government has made will only deliver maximum results for women if they receive coaching support in their business, including in their marketing efforts, because they often cannot compete with larger corporations in the market. Therefore, the Government is expected to launch entrepreneurship training programs. On the other hand, the growing number of women entrepreneurs is more concentrated in informal and home industry sectors, which still face a lack of regulations and protection.
5. Poor women almost have no access to technologies that can move them forward, for example, agricultural, food processing technologies, etc., which can be used to help poor women in daily life or in their work. Technologies remain very expensive and not affordable.

4. Recommendations

1. Some of the Government's social welfare programs have offered basic services and eased the economic burden of poor households, but it's temporary and unsustainable. For these reasons, women's participation in development planning, particularly at local/village level, should be reinforced. Non-governmental organisations (NGO) can partner or synergise with the Government to strengthen the capacity of women in villages, so they can participate more in development processes.
2. The House of Representatives (DPR) and the Government should immediately pass the Bill on Protection for Domestic Workers, ratify ILO Conventions No. 190 and No. 189, and amending the bill of minimum age of marriage.,.

Annexes

CEDAW

ILO Convention No. 189 on "Decent Work for Domestic Workers (PRT)"

Law No. 18/2017 on Protection of Indonesian migrant workers

Law No. 6/2014 on Villages

B. EDUCATION & TRAINING FOR WOMEN

1. Introduction

Education has been incorporated into goal number four (on the list of 17 sustainable development goals—SDGs): ensure inclusive and equal education and promote lifelong learning opportunities for all. The government policies on education are based on article 31 of the 1945 Constitution and Law No. 20/2003 on National Education System. The policies stipulates that every citizen has equal right to enjoy quality education, that each citizen aged between 7 and 15 years should have completed quality basic education; and the government is obliged to provide the required funds. The central and local governments shall provide services and facilities, and guarantee the implementation of quality education for all citizens without any discrimination.

The Government has launched various education programs in an effort to achieve the goal of equal and quality education. Since 2013, the Government has been implementing the 12-year compulsory education program. The number of vocational high schools (SMK) increased significantly and these schools are vocation-based, so their students are ready to work upon graduation. The Smart Indonesia Program (PIP) is in line with the issuance of Presidential Instruction No. 7/2014 on Instruction to Ministers, Heads of State Institutions, and Heads of Local Governments to Implement the Productive Family Program through Healthy Indonesia Program (PIS) and Smart Indonesia Program (PIP). These programs are related to Prosperous Family Savings Program (PSKS) and Family Hope Program (PKH), funding for which is disbursed by the Ministry of Social Affairs.

Data from the Central Bureau of Statistics stated that the number of children who dropped out from school at basic education level had decreased significantly to 32,127 students for 2017/2018 period, from 60,066 students for 2015/2016 period. Mean Years of Schooling (RLS) climbed to 8,10 years (2017) from 7.73 years (2014). The figure for Expected Years of Schooling (HLS) also went up to 12.85 years (2017) from 12.39 years (2014).

The 2018 statistics from the Ministry of Education and Culture showed that the number of male dropouts of primary, junior high, senior high, and vocational high schools was higher than that of female dropouts. For example, there were 33,120 male students who dropped out from junior high schools, on the contrary, only 18,070 female students dropped out. In terms of illiteracy, women have a higher rate of illiteracy than their male counterparts, as there were 2,258,990 illiterate women, compared to 1,157,703 men.

According to BPS data, gross participation rate (APK) at universities in Indonesia only stood at 27.98%. This means less than a third of the active population (aged 19 – 23) has attained education at university level. Women's APK at higher education level has reached 30.05%, surpassing that of male students which only amounted to 26%. Women's APK at universities has always been higher than that of men since 2012.

2. Strategic goals

1. Ensure equal access to education
2. Eradicate illiteracy among women
3. Improve women's access to vocational training, science and technology, and continuing education
4. Develop non-discriminatory education and training
5. Allocate sufficient resources for and monitor funding sources for, and monitor implementation of educational reforms
6. Promote lifelong education and training for girls and women.

3. Output

Strategic goal no. 1 : Ensure equal access to education

One of the government's successful policies was the Nine-Year Compulsory Education Program designed to reduce the number of dropouts. According to the National Statistical Bureau (BPS), the School Participation Rate (APS) among children aged 7-12 has increased to 99.08 (in 2017) from 97.83 (in 2008), and the APS among children aged 13-15 has risen to 94.98 (in 2017) from 84.41 (in 2008). This means that the majority of Indonesian population aged 7–15 year already attend school.

The Government issued Education and Culture Ministerial Regulation Nr. 80/2013 on Universal Secondary Education, in an effort to ensure the success of the 12-year compulsory education program, which began to be implemented in the academic year of 2015/2016. The APS among students aged 16-18 in Indonesia has reached 71.20 by 2017 (BPS, 2017). Therefore, it could be concluded that out of 100 children aged 16-18 year, around 29 of them did not go to school. The data also indicated that in this age group, there was a high number of school dropouts who should have gone to senior high school.

The Smart Indonesia Program (PIP) was launched to support the 12-year Compulsory Education program, which was designed to ensure that Indonesian children complete their minimum education at high-school level. Children, whether they came from rich families or poor ones, should have equal opportunities, without exception. The first and fundamental thing is the range of school age enjoy their education right. The Government, through the Ministry of Education and Culture (Kemdikbud) has distributed Smart Indonesia Cards (KIP) to 17.9 million students who came from poor families. Thus, the government will only need to hand out around 1.8 million KIP this year to meet its target of giving the cards to 19.7 million students of primary, junior high, and senior high schools. The target is to be achieved in the fourth year of Presiden Jokowi and vice Presiden Jusuf Kalla's administration (2014-2019).

The school operational funds (BOS) represent one of the government's policies towards equal access to education. In the New Order regime, only well-to-do people could go to school and there was a tuition fee that they had to pay every month. Disbursement of the BOS is expected to enable everyone, from lower, middle, to upper classes, to go to school and has access to receive equal education.

Inclusive schools: for women who have problems with their eyesight, they can enroll at public schools that do accept some disabled students every year.

Scholarships for Girls: this type of scholarships is an expansion of a scholarship program for poor children that was created by PEKKA (CSO) at the beginning of its development. In addition to that, special scholarships for girls constitute an effort to prevent them from dropping out of school and getting married when they are still underage.

Strategic goal no. 2: Eradicate illiteracy among women

According to data from the Center of Education and Cultural Data and Statistics of the Ministry of Education and Culture and the Central Bureau of Statistics, 97.932% of Indonesia's population has gained the ability to read and write. In other words, only around 2.068% (3.474 million people)

of the population that remains illiterate. There are 11 provinces whose illiteracy rates are still above the national level, including Papua (25.843%), NTB (7.787%), NTT (5.365%), West Sulawesi (4.36%), West Kalimantan (4.283%), South Sulawesi (4.686%), Bali (2.908%), East Java (3.427%), North Kalimantan (2.562%), Southeast Sulawesi (2.510%), and Central Java (2.267%).

An important effort to address illiteracy is raising the awareness of the need to read should start from the family. The Government, through the Ministry of Education and Culture, has endeavoured to provide services in the form of literacy education program and development of reading culture among the public. Basic literacy education was designed as educational services for people aged 15 or above and it prioritizes people aged 15-59 who are still illiterate. So, they will be able to read, write and count and master Indonesian language. This is regulated under Education and Culture Ministerial Regulation Nr. 86/2014.

Advanced literacy education (Self-Learning Literacy and Multiliteracy) offers literacy education services that provide learning opportunities for students who have completed basic literacy education, in order to build the competence of community members after they have passed the basic literacy education. In addition, the advanced literacy education is regulated in Education and Culture Ministerial Regulation Nr. 42/2015. To build the reading culture and empower the community, the government presents a range of services, including **literate village program, public reading space facilities like startup Public Reading Park (TBM)** and Reinforced TBM. To boost reading culture among the public, the Central Government and local governments have launched the **Indonesia Reading Movement (GIM)** at District/City level.

Building new schools in rural or isolated areas. The Government has been making efforts to deal with education gap between developed areas and underdeveloped ones. In the past, students had to go to the city in order to go to school, but now, schools have been built in villages near their home. However, not all people are excited about having their children go to school. They prefer living traditional ways of life from having their children go to school. They are afraid to do so because they do not have any money, or they do not know what kind of jobs that their children can have upon graduation from school. In general, many people who live in rural or isolated areas have yet to understand about the importance of education for their children's future.

The government should pay attention to issues concerning facilities and infrastructure. They do not have to provide more facilities in urban areas, but they need to improve the completeness of facilities that support learning and teaching activities. Such as making sure that language laboratories and audio video rooms are available.

Strategic goal no. 3 : Improve women's access to vocational training, science and technology, and continuing education

Appointing teachers to be placed in frontline areas or outermost islands that border on neighboring countries. Reality in the field shows that there are so many teachers in urban areas, whereas border and rural areas suffer a lack of them. Therefore, this year the Ministry of Education and Culture has planned to recruit 6,300 civil servant candidates (CPNS) and place them in underdeveloped or border areas.

Attention should be given to education for communities in border areas, because so far, education for communities in border or underdeveloped areas has not been prioritized. Government officials' are reluctant and difficult in accessing border areas, and these have become the main reasons

for a lack of attention on education for communities in those areas. In addition, teachers tend to find working in rural areas unbearable and as a result, many schools there are not functioning due to lack of teachers. To address the uneven distribution of teachers, now the government is more focused on improving the local living condition and recruiting prepared teachers who will be placed in border or underdeveloped areas.

Recruiting volunteers or education support personnel for underdeveloped areas.

Cooperate with universities to find holders of bachelor's degrees in education who are ready to dedicate themselves to the interests of their country and nation. They can be empowered as the spearheads of a mission to open isolated areas in Indonesia, so at the end, those closed and underdeveloped areas will gradually make contacts with the outside world.

In principle, this cooperation program is similar to the community service program (KKN) but it should be more focused on reaching underdeveloped and backward areas. The Government can consider this measure, and certainly by taking into consideration the volunteers' daily needs as well. If this program is successful, education in all over Indonesia will have the same quality, so children, even those who live far away in isolated, rural areas, can still enjoy the advantage of good education.

Education is one of the human rights, this means it is only fair for every citizen to have the opportunity to enjoy education. So for instance disabled women as well as women migrant workers (TKW) who are departing for their work abroad, etc. are also entitled to good education and training.

Entrepreneurship Development in Various Sectors

All PEKKA members are breadwinners who work in different economic sectors. The PEKKA provides training and support to reinforce its members' entrepreneurship spirit and their business management skills, so they can achieve growth in their respective situations. Training on technical business skills is also provided for PEKKA members, according to the types of business that they are developing. For this program, PEKKA collaborates with L'oreal's CSR division to design haircare education courses and develop PEKKA Hair Salons. Since the program first began in 2014, there are 339 young women who have been trained at these five education centers and over 50% of them have started their own salons, by making house calls for their salon services or by working as freelancers at hair salons

Strategic goal no. 4 : Develop non-discriminatory education and training

The National Commission on Human Rights (Komnas HAM) noted that between 2014 and 2015, there were 175 complaints, filed and they were related to human rights violations and discrimination in education sector. The dominant complaints include withholding of diplomas and report cards, termination of learning and teaching activities, abuse of education funds.

The education sector in Indonesia is still far from making efforts to address crucial issues such as discrimination, violence against women (tragically, 1 in 3 women is a victim of violence), and sharper division within the public based on political identity that use conservative values. Discriminatory practices based on gender, tribe, race, and especially religion, persist in Indonesia's education sector. Gender-based discrimination in formal education still exists in abundance in textbooks and learning process that discriminates female students. Also, non-formal education for women is only provided for improving their domestic skills. Religion-based

discrimination is found too in learning process and teaching materials, for example, a case concerning the intolerance concept that infiltrated into student worksheets (LKS) in 2015.

Some schools can enjoy internet access whereas others cannot. We could see the reality when this year's national test took place. Some schools held computer-based national examination (UNBK), but there were also other schools that could only hold written examination with pencils and papers (UNKP). Here, it is evident that access to education has yet to be fully equal in all parts of the country.

Despite the fact that access to education has not been fully equal everywhere, Indonesia has values and spirit to move forward, and these are the nation's assets to make its dream come true in the future. We deserve to be proud to see that amid all of the obstacles, our children have never backed down and still go to school. Muddy roads, swift-flowing rivers, school buildings that almost collapse, schools that only have dirt floors, leaky roofs, they even do not know what computers and internet are, but children of our brothers and sisters who lead a simple life, far away in rural areas, are always motivated and welcome their school days with a sweet smile on their face.

The PEKKA foundation, with the support from KOMPAK (CSO), has developed a special initiative to reinforce women's leadership at the grassroots level, so women can play important roles in village "leadership". The Paradigta Academy offers structured education and training to PEKKA cadre and women cadre in village areas, so they can be actively involved in decision making process and development in their areas.

The 2013 curriculum has three aspects of assessment, including scientific, skills, and attitude and behavioral aspects²⁵. Advantages of the 2013 curriculum include (1) clear concept about the type of graduates that it wishes to produce; (2) Subjects at school are taught in a way that make them more meaningful in daily life, using thematic, integrated learning model and scientific approach. This curriculum leads students to go through an active learning process, with teachers both as their facilitators and motivators, and the curriculum discusses all aspects of life as possible sources of learning and makes people likes learning.

The downside of this curriculum is its contradictory nature, as it seeks to produce creative, critical, and innovative people, but it is full of normative materials, for example, by adding hours of religious studies; secondly, it expects a more liberal learning process, but it requires students to spend more hours in the classroom. Thirdly, the 2013 curriculum is suitable for progressive schools, teachers with high motivation for learning, educated society, students who have equal capacity and facilities, and places where telecommunication infrastructure and transportation are available everywhere so they do not hinder the process. Another disadvantage lies in the use of National Examination (UN) as a standard evaluation system of active students' learning process.

The number of honorarium-based teachers who receive salary far below the Regional Minimum Wage (UMR). Feminization of teachers has begun from early childhood education (PAUD) level.

Strategic goal no. 5: Allocate sufficient resources for and monitor the implementation of educational reforms

The Government has put in its best effort to education by allocating 20% of state budget (APBN), which equals to IDR 444.131 trillion, That amount was disbursed to the following budgets: 1.

²⁵ <https://gmb-indonesia.com/2018/05/20/perkembangan-kurikulum-di-indonesia-hingga-kurikulum-2013-k13/>

Education Budget, through Central Government spending, which amounted to IDR 149.680 trillion; 2. Education Budget, by Transfer to Local Budget and Village Funds, which amounted to IDR 279.450 trillion; and 3. Education Budget, through Financing, which amounted to IDR 15 trillion.

In Annex XIX to Presidential Regulation Nr. 107/2017 signed by President Joko Widodo on 30 November 2017, it was stated that out of IDR 149.680 trillion allocated to Education Budget under Central Government spending, a total of IDR 145.957 trillion would be distributed to 20 ministries/institutions (K/L). The remaining IDR 3.723 trillion would go to Budget Section of State General Treasurer (BA BUN). Out of the 20 K/L that have education budgets, the Ministry of Religious Affairs (Kemenag) received the biggest allocation, which amounted to IDR 52.681 trillion, followed by the Ministry of Research, Technology and Higher Education (Kemendikbud) that received IDR 40.393 trillion, and the Ministry of Education and Culture (Kemendikbud) that received IDR 40.092 trillion.

Provision of the school operational funds (BOS), construction of school, provision of facilities and infrastructure, scholarships for students and teachers, and free Internet for Indonesia, all of these measures have been carried out, but equal and fair education throughout Indonesia has yet to be achieved. Education is a national asset for a better future and it cannot be expected to produce instant results. Everything needs process and adjustment, and for Indonesia that faces complex issues—from cultural, historical, to diversity issues—and whose areas consisted of islands, both factors slow down the process toward equal and fair access to education.

Strategic goal no. 6: Promote lifelong education and training for girls and women

Building and providing internet access for underdeveloped areas. Internet is an important need in relation to: finding information, social media, education, et cetera. Internet network has yet to be equally available throughout Indonesia and it particularly has not reached rural or isolated areas. It is only available in big cities. Schools with no internet access will be left behind from top schools as all of them are run on a digital and electronic basis. It cannot be denied that the presence of internet network has played an important role in changing the education world.

Major changes in education sector are evident in today's digital era, so, if we want to see our national education sector move forward, we have to leave the conventional education era and enter the digital one. Of course, taking such step does not come cheap as prices of digital appliances, like computers, printers, InFocus projectors, modems, and other electronic equipment are fairly highcost that only certain schools can afford to buy them for school supplies. Therefore, in order to give equal and fair access to education, the government will need to think about this matter, so there will not be any more terms like state-of-the-art schools and underdeveloped schools.

Development of PEKKA Community Learning Center: this center provides a space for education and lifelong learning and so far, there have been 40 PEKKA Centers in around 19 provinces. The center initiates several activities of formal and non-formal education, under the framework of education for everyone and lifelong learning. Those activities include early childhood education (PAUD), providing benefits to children from poor families, Scholarship Program for Girls, Literacy Education, and Equivalency Education Programs (Kejar Paket A, B, C), and classes for livelihood courses.

Kapal Perempuan, an CSO, has initiated **Women's School**, a place for grassroots women who dropped out from school—most of them already have families of their own—can increase their knowledge. The school applies a critical education methodology and its syllabus covers education modules on gender, pluralism, reproductive health and sexuality, organisational skills. This school was first opened on a riverbank in Jakarta, over time, it has also opened in villages.

Women's School offers education in four stages. At the first stage, it builds students' critical awareness; the second stage is about building capacity for conducting social analysis; the third stage is about building capacity for implementing strategies and advocacy; then at the fourth stage, students will receive some training. Once students have received education under such method, their mindset is expected to change and become more critical and more concerned when it comes to dealing with issues around them and they are expected to be aware of their rights as women who should be equal to men in everything, so there will be less discrimination, violence, and injustice against women. In 2018, women's school is present in 79 villages, six provinces, and 25 districts throughout Indonesia.

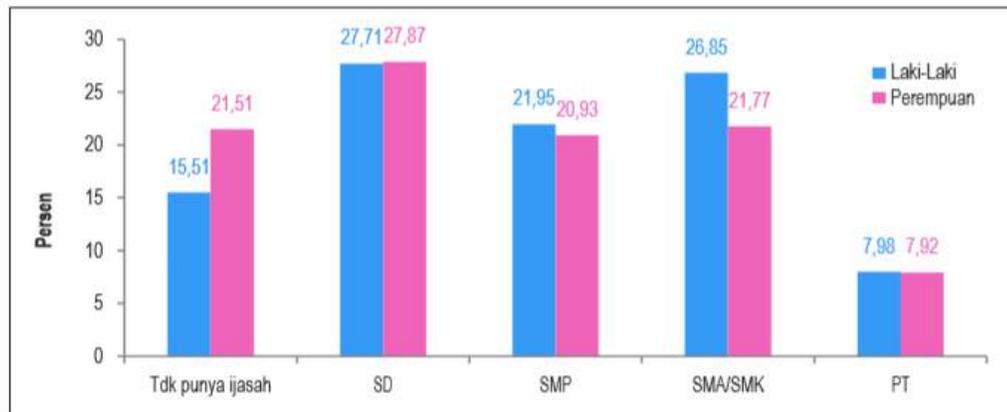
Local governments, through Provincial Manpower and Transmigration Agencies, have inclusive Job Training Centers, for example, Job Training Center for Industries Development in Pasar Rebo, East Jakarta that train participants from the Indonesian Women with Disabilities Community (HWDI). At this Training Center, one can learn many skills to prepare herself before entering the world of work.

The Government has planned to recruit a total of 175,000 state civil apparatus (ASN), the figure of which is made up by 100,000 civil apparatus candidates and 75,000 from government employees. The plan prioritizes recruitment of teachers and medical workers to be placed at community health centers. Out of the total figure above, 2% of the vacancies has been allocated to the disabled.

In the field of education, KAPAL Perempuan Institute, who focused on advocacy of issues concerning education for women, reported that Indonesia has indeed achieved its target if one made such conclusion based on the high participation rate of students at elementary schools. However, from women's perspectives, the Institute noted two serious issues: *Firstly*, gender disparity issue persists in formal education sector, with the number of girls in villages who do not go to school was twice the number of their male counterparts. *The second issue*: non-formal/informal education held outside the school is not in line with human development efforts, because the Government is only focused on life skills program without providing any community education, which would build critical awareness and empower women, at the same time. The current education pattern remains oriented towards results or academic scores only, instead of giving critical education to children.

Figure 2.2 Percentage of Population Aged 15 up by, by Sex and Level of Education Completed, 2015

Gambar 2.2 Persentase Penduduk Berumur 15 Tahun ke Atas Menurut Jenis Kelamin dan Pendidikan Terakhir yang Ditamatkan, 2015



Sumber: Susenas KOR 2015

Source: **SUSENAS KOR 2015**

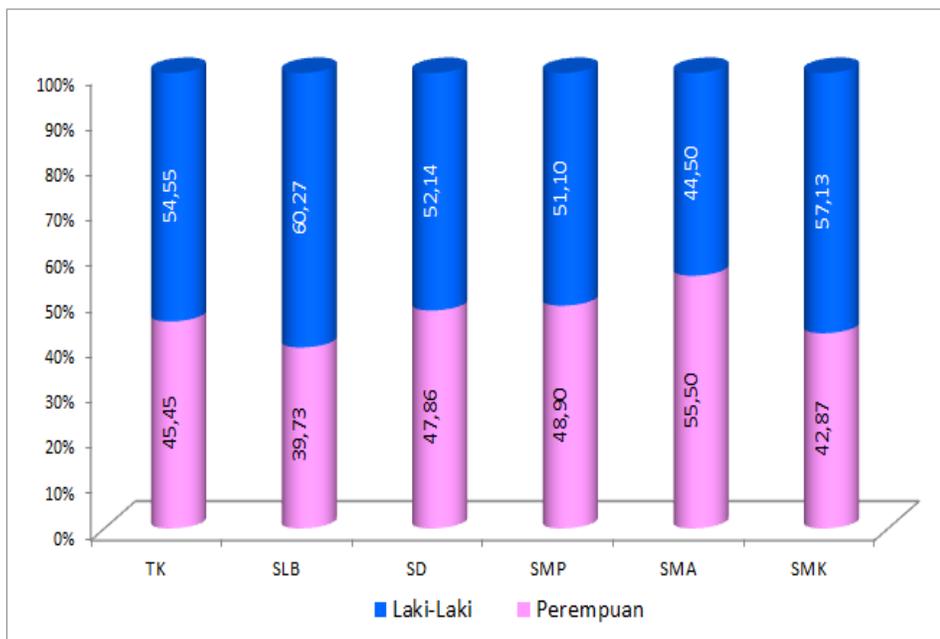
Percentage of Students by Sex and Education Level for 2017/2018 Period

Persen = Percentage

Laki-laki = Male, Perempuan = Female

Tdk punya ijazah = Do not have any certificate

SD = elementary school, SMP = junior high school, SMA/SMK = senior high school/vocational school, PT = universities



Source : Abstracts of Data on Education and Culture for 2017/2018 Period, Minister of Education and Culture, 2017

Laki-laki = Male, Perempuan = Female

TK = pre-school, SLB = school for the disabled, SD = elementary school, SMP = junior high school, SMA = senior high school, SMK = vocational school

Both tables above showed that gender balance was imminent in opportunities to enjoy education at university level, however, attendance at basic education level was still dominated by boys. Because families still believe in a gender stereotype concept where boys are prioritized for further education, since they will become heads of their respective households. On the other hand, women will only become housewives, so they do not need higher education. Not all members of the community understand that every child, a boy or a girl, is entitled to education, thus, in planning education for their children, families tend to give more opportunities to boys.

4. Emerging Issues and Challenges

The 12-Year Compulsory Education program already stated in the Education Law, but there has been a lack of effort to implement it, due to inadequate attention from local governments. Obstacles in the field include low budgetary support from provincial governments that only allocated less than 20% of the provincial budget to the program resulting in the lack of school infrastructure, low number of teachers making education not equally available in all areas.

The specially allocated fund that should have been used for improving school infrastructure had been corrupted by the respective official (for example, in cases taking place in West Java and the special capital region (DKI) of Jakarta). Based on the monitoring conducted by the Network for Education Watch Indonesia (JPPI) in 2018, it was found that educational funds vulnerable to corruption include the Special Allocation Fund (DAK), the School Operational Funds (BOS) for school facilities and utilities, school infrastructure and books, as well as illegal levies imposed on student candidates during state school enrollment selection (PPDB).

Some schools have been exposed to intolerance and radicalism. In 2018, the public was surprised by a parade of pre-school children who wore veils and brought replicas of guns and this incident took place in a district in Indonesia. A discourse on intolerance and radicalism at school triggered another round of debates. In fact, according to Ubaid, it was true that schools have become one of the places to sow the seeds of intolerance. A national survey conducted in 2018 by the Center for the Study of Islam and Society (PPIM) of the Syarif Hidayatullah State Islamic University (UIN) Jakarta found that teachers at general/Islamic schools, from kindergarten to senior high levels, have a high rate of intolerance and radicalism. So, no wonder that concept of intolerance has often been found in school textbooks, in the examination questions.

Every year, the state school enrollment selection (PPDB) has always been creating chaos. According to the JPPI, the enrollment zoning policy has been the factor that caused the chaos. In 2018, for example, the mayhem was triggered by the obscure mechanism for online enrollment. There have also been many cases where it has been difficult for excluded groups to access schools.

Gender disparity in education sector, at the end would result in injustice and inequality that women would experience in other sectors, such as in employment and political life. Limited opportunities in entering higher/advanced education have made women not equipped with basic assets, including skills and intellectual capacity required, to access jobs with good standards. They also have difficulty finding good jobs due to paradigm of the recruitment system that still put educational background as the main criterion to be fulfilled. As a result, it is hard for women to get jobs that pay them with decent wages and offer a chance for them to climb up the career ladder.

The obstacles that women face due to their lack of education are not limited to the struggle for access to the working world, but women also find that they do not have many options in the types

of jobs available to them. This is obvious from women's types of jobs that usually have the following characters: they are part-time, casual, non-permanent basis and they are not fixed, casual, and even done at home (home-based jobs). From manpower's point of view, women also enter those types of jobs are categorized as informal workers. They tend to choose these kinds of jobs because these jobs do not require higher education diplomas, even though they have to bear the consequences of working under systems that have a lack of protection from occupational accidents in the form of medical insurance.

The 2016 Report on Gender Disparity in Economic Sector published by the Ministry of Women's Empowerment and Child Protection clearly demonstrate that formal education has been an important indicator of the disparity and it had impacts on women's access to employment sector and economic empowerment.

The review above showed that there had been a serious gender gap and an indication that the higher the education level, the more obvious the gap between men and women. So, in general, it can be concluded that women have a lower participation rate in education sector compared to men. There are various reasons behind the injustice and inequality of the attainment of education level between men and women, including social and cultural values, as well as other traditional protection which are still deeply rooted in our community.

Another issue that came into existence as the impact of gender disparity in education sector is the high number of child marriages; when a girl does not have any opportunity of receiving education, her family will address the problem by marrying her off and justify her marriage as a solution to lessen the family's financial burden, or they will say that the girl is ready for marriage without considering her age, which is not the right age to marry. Here, parents do not realise their responsibility to ensure the fulfilment of the child right to education.

The inequality between men and women in terms of opportunities of receiving education would considerably women's quality of life; without education women would continue to be marginalized and have problems getting strategic positions in decision-making process because they are then deemed to be stupid and have no capability.

5. Recommendations

- Changes in Learning Process and Model in digital era: playing, studying and working, all take place at the same; today's teaching and learning process is not only a business venture; learning has become more personal and social with the use of digital equipment and visual contents. Strategies and learning techniques focus on students, take advantage of digital technologies, and adopt innovative approaches; teachers and students should be digitally literate/keep up with the latest information, master the technologies.
- Revitalization of vocation and character education, which is closely related to revitalization of teacher's role and availability.
- To accelerate implementation of the 12-Year Compulsory Education program and improvement of teacher's quality, amendments should be made to Law Nr. 20/2003 on National Education System and Law Nr. 14/2005 on Teachers and Lecturers. Those regulations are considered out of date and many developments in education sector that Indonesia should respond and adapt to.
- Schools should manage their funds in a transparent and accountable manner. They should be able to use online applications, in order to make it easier for different parties to access information on management of funds at schools.

- Reinforcement of school committees and raising public participation in school management. Not only at monitoring stage, but involve the public since the planning process begins, in program implementation, until evaluation stage. The purpose is to create a balance between public participation and the role of principals and education agency who have been too dominant.
- Mainstream character education, not only the academic one. Many schools only emphasize on academic contents and ignore character education. This should not happen. Teachers should be able to apply the 2013 curriculum as part of the character education that is integrated into the learning process.
- It would be better not to apply the zoning system nationwide for the PPDB, instead, apply the zoning policy as a pilot project. The policy might be applied in the areas declared to be ready to embrace the zoning model. So, for now, the main focus is improving school quality and ensuring even distribution of quality teachers to all areas.

C. WOMEN & HEALTH

1. Overview

The Beijing Declaration and Platform for Action (BPFA) is important because it contains strategic documents and platform for action on women's empowerment and advancement, enforcement of human rights and involvement in development. This Platform for Action is equipped with strategic steps and indicators, which cover coordinated monitoring, evaluation and progress towards accomplishments of the program and women's empowerment activities.

The BPFA was adopted by 189 countries—all of them are UN member states—in 1995, including Indonesia. This document represents efforts made to achieve equality for women's pride and dignity and to give women more access to, and control over economic, political, social and cultural resources. The Government of Indonesia made a special response by issuing Minister of Health Decree No. 230/MENKES/SK/II/2003 on a follow-up to the Beijing declaration and platform for action for a critical area of concern, i.e. women and health. The decree set eight (8) priority programs in health sector, including (1) Women's Health, (2) Women's Nutrition Status, (3) Environmental Health; (4) Reproductive Health, including Reproductive Rights; (5) Adolescent Reproductive Health; (6) Prevention and Management of Sexually Transmitted Infections (STI) including HIV & AIDS; (7) Reproductive Health at Advanced Age; and (8) Gender Mainstreaming.

Biological distinction between men and women may result in different health status between both genders. The fact is that the presence of women in a community, especially one that still discriminates and stigmatises women and where various taboos on their body would have negative consequences on their health status.

The health of Indonesian women, in truth, is still alarming. For two decades, maternal mortality ratio / *Angka Kematian Ibu* (AKI) has remained above 300/100,000 live births. Globally, a high AKI indicates that women still have a low quality of life and this is a violation against the right to survival and a country's failure to provide holistic and integrated protection for reproductive health.

2. Strategic Objectives

- 2.1. To increase longlive-women's accessto decent, affordable and quality health services, to related information and services.

- 2.2. To reinforce programs that focus on prevention against diseases and improve women's health.
- 2.3. To take gender-sensitive initiatives to address transmission of sexual diseases, HIV & AIDS and sexual and reproductive health issues.
- 2.4. To push forward research and disseminate the information on women's health.
- 2.5. To enlarge sources and monitor follow-up actions for women's health.

3. Achievements

Maternal Health

Maternal mortality ratio (AKI) in 2018 (*Riset Kesehatan Dasar: Riskesdas 2018*) was indeed lower compared to 2013. However, for last two decades it has remained above 300 per 100,000 and this is far higher than the SDGs' target of 70 per 100,000 live births by 2030. It compares to other ASEAN countries, Indonesia is very much behind them; now AKI in those countries is between 40 and 60 per 100,000 live births.

Data from research conducted in 2016 showed when maternal mortality would take place. It turned out that 56.9% of maternal mortality occurred within 0 - 42 days after childbirth (period of postpartum bleeding), 22.4% took place during pregnancy and 14.6% happened during childbirth, even 3.6% of maternal mortality occurred during postpartum bleeding period. The latest data on maternal mortality of pregnant women, women who are giving birth or those who are going through the postpartum bleeding period showed that 77% of those deaths occurred at health facilities and hospitals. It has put both places in the first rank, followed by home in the second rank as of 15.6% (Ministry of Health, 2016).

Pregnant mothers who suffer anaemia are at risk of experiencing more pain especially in the third trimester of pregnancy, compared to normal pregnant women. As a result, for those pregnant with anaemia face a higher risk of delivering babies with low birth weight / *Berat Badan Lahir Rendah* (BBLR), death during childbirth due to hemorrhage, or even difficult or stalled labor because their health is weak.

Family Planning

Based on the 2010 - 2035 Indonesian Population Projection, the number of Indonesian population went up to 265 million in 2018 from 238.5 million in 2010. The population increase was evident from the number of births. It was reported that at a national scale, the average number of children born during women's reproductive period (Total Fertility Rate/TFR) has been declining for over two decades, especially based on the changes stated in the Indonesian Demographic Health Survey / *Survey Demografi dan Kesehatan Indonesia* (SDKI) in 1991 and the 2002-2003 SDKI.

Results of the 2017 survey on the National Medium-Term Development Plan / *Rencana Pembangunan Jangka Menengah Nasional* (RPJMN) showed a lower figure of TFR, which stood at 2.4 children. That meant a woman in Indonesia gave birth to an average of 2.4 children during her reproductive period. This lower fertility was influenced by pregnancy and birth planning. This could be seen from the increase of the use of contraceptive devices/methods. The 1991 SDKI reported 49.7% rate of the use of birth control devices/methods and the figure went up to 61.9% in the 2012 SDKI. However, in the 2017 RPJMN survey, the rate of the use of birth control devices/methods fell to as of 59.7%.

Factors that impede family planning (KB) programs and movement include the reluctance of many people to use modern contraceptive devices because they think it is forbidden by their religion, in addition, there is a belief that the use of contraceptive devices such as condoms is considered as a measure that legalizes adultery and casual sex. There is also a potential barrier from the revised Penal Code (KUHP) bill that the House of Representatives (DPR) is deliberating: a ban on showing contraceptive devices and many parties could be prosecuted as a result of this ban, because only authorised parties may show those devices.

Some factors also contribute to birth control (KB) issues, such as the decentralisation policy that merge KB programs with other programs at government institutions of district/city level and budget for KB programs is getting smaller as the budget is set by local house of representatives / *Dewan Perwakilan Rakyat Daerah* (DPRD) that has a lot of members from conservative parties, which are against modern contraceptives. Also for youth groups (aged 19-24) who are sexually active, it is still difficult for them to have access to reproductive health services. Gender bias in reproductive health services and the stigma still associated with places that provide the health services can be found at most health facilities. Moreover, communication, information and education / *Komunikasi, Informasi, dan Edukasi* (KIE) and counseling on reproductive health have yet to be provided at a wider scale, given reproductive health services are only aimed at married couples.

Adolescent Reproductive Health

The 2017 data from the BPS showed only a slight decrease in Age Specific Fertility Rate of young people aged 15 – 19 : from 41 births per 1,000 women in 2010 to 36 births per 1,000 women in 2017. This means that the number of Indonesian women who were pregnant and gave birth at the age of 15-19 remained high. This data often serves as a reference for unmet needs for abortion services and indeed, since Health Law No. 23/1992 was passed, abortion services that used to be accessible to women who need them became even harder to obtain following the adoption of Health Law No. 36/2009. Subsequent to the issuance of Government Regulation No. 61/2014 on reproductive health, which was later reinforced by Health Ministerial Regulation No. 3/2016 on safe abortion services should have been accessible to rape victims and women who give indications of medical emergencies. But in practice, different studies on implementation of such services in big cities (such as Jakarta and Semarang) found that it is still difficult for women to access safe abortion services when they need them.

Adolescents (aged 10-19) make up the largest proportion of Indonesia's population, with around 10% of teenage girls aged 15-19 are already married and have children of their own. Data shows that compared to those who got married at 21 or above, married adolescents face risks that are two to four times higher for losing their lives during pregnancy, giving birth and postpartum period. The facts reveal that adolescents become sexually active for the first time at a younger age now. On the other hand, sex education and adolescent reproductive health have yet to be accepted and included in the national education curriculum. As a result, there have been more cases of teen pregnancy, sexually transmitted infection, sexual violence and dating violence, and also unsafe abortion.

Nutrition Status of Women and Female Adolescents

Medical experts agree that a woman who gives birth before she is 18 years old, especially if she has poor health conditions (for example, if she suffers from anaemia, chronic energy deficiency

(CED), pulmonary tuberculosis (TB), asthma or HIV), will deliver a baby that may have low birth weight (LBW) and even experience impaired growth and development, which is usually known as stunting. Since they are emotionally not ready, girls who are not of age to get pregnant often do not take care of their pregnancy very well. And once they have given birth to their babies, they often neglect them and fail to fulfill their children's nutritional needs.

One in three children under the age of five in Indonesia suffers from stunting. Children categorized as stunted may come from either rich or poor families. Stunting is found almost throughout Indonesia. The prevalence of stunting at provincial level remains very high: 15 provinces have a stunting prevalence of more than 40%; only 5 provinces have a stunting prevalence of less than 30%. Nutritional problems serve as the main factor in stunting however, stunting is not only caused by lack of food, but also by parenting patterns.

Transmitted Diseases, Non-Communicable Diseases and HIV/AIDS

Data on transmitted diseases, including TB, malaria and HIV, shows that they have affected more people. The number of women newly infected with HIV is increasing; in 2013, there were 12,279 cases and that figure went up to 15,151 cases in 2016 (the 2013 SDKI and the 2017 Health Profile). According to the 2018 Data and Information on Indonesia's Health Profile showed that for the same year, out of 1,805,993 pregnant mothers who took HIV tests, there are 5,074 (0.28%) of them who are HIV-positive.

The 2018 data from the Ministry of Health stated that breast cancer was associated with the highest number of incidence among women, i.e. 42.1 per 100,000 and the average mortality rate was 17 per 100,000. Cervical cancer has its number of incidences were 23.4 per 100,000 and the average mortality rate was 13.9 per 100,000. Data from the basic health research (Riskeddas) showed increasing prevalence of tumor/cancer in Indonesia, from 1.4 per 1,000 in 2013 to 1.79 per 1,000 in 2018.

Data from the 2013 SDKI and the 2018 Riskeddas revealed that the number of women infected with HIV rose to 15,151 in 2016, from 3,565 in 2008. From this diagram, one can conclude that from 2010 to 2018, the number of mothers infected with HIV had indeed been increasing, therefore, one may infer that children aged 0 – 4 will certainly be infected with HIV from their mothers. The Ministry of Health does have a specific program of Prevention Mother to Child Transmission of HIV (PMTCT) and the program implements health screening for every pregnant woman. Some provinces even launched a program targeted to couples who register their marriage plan at the Religious Affairs Office; the program requires them to complete premarital health screening in order to find out their health conditions. Moreover, some districts issued regental decrees on cesarean section for HIV-positive women and provision of antiretroviral (ARV) drugs for free of charge. This is the only way to prevent the baby from being infected with HIV when he/she was born, and to keep his/her mother alive (for even up to 20 years), thanks to the free ARV.

Substandard quality of JKN services

Since 1 January 2014, the Health Care and Social Security Agency / *bada Penyelenggara Jaminans Sosial* (BPJS) Kesehatan has officially run the National Health Insurance / *Jaminan Kesehatan Nasional* (JKN). On the other hand, the central and local governments also provide partial health coverage called Community Healthcare Plan / *Jaminan Kesehatan Masyarakat* (Jamkesmas) and Regional Health Insurance Plan / *Jaminan Kesehatan Daerah* (Jamkesda) for

poor communities (TNP2K, 2015). With the JKN in operation, the public enjoys a wider access to health facilities. The objective of this universal health coverage is to give all citizens and residents throughout the country access to quality and affordable health services. So, the public will face no more obstacles in terms of medical expenses.

However, implementation of the JKN program in the reproductive and sexual health is still confronted by many issues. Concerning the scope of benefits, some reproductive and sexual health services are still not fully covered by the JKN, among them is infertility treatment (Presidential Regulation No. 12/2013). Also concerning the provision of contraceptive devices, which is a part of the government (the National Population and Family Planning Board / *Badan Kependudukan dan Keluarga Berencana Nasional*: BKKBN) program that BPJS participants can access from the first-level health facilities (Community Health center / *Pusat Kesehatan Masyarakat*: puskesmas). Health screenings like mammography and pap smear are provided selectively as advanced diagnostic tests based on medical indications (Presidential Regulation No. 82/2018).

Results of the surveys conducted by the Women's Health Foundation (Yayasan Kesehatan Perempuan) in 2015, 2016 and 2017 showed that women had poor knowledge about reproductive health services covered by the JKN program. The three surveys revealed that the types of reproductive and sexual health services that women respondents were most aware of concerned pregnancy checkup and labor and the average proportion of their knowledge about these pregnancy and labor services was 50%. On the other hand, the least known types of services included abortion, adolescent reproductive health and HIV & AIDS tests, the respondents' awareness on each type of service was less than 20%.

Limited public knowledge about reproductive and sexual health services also has impacts on the reproductive and sexual health services most accessed by women. They mainly access services concerning pregnancy, labor, postnatal bleeding and family planning / *keluarga berencana* (KB). But not many access services of screenings for cancer or other diseases like HIV/AIDS.

As a program that has just run for five years since 2014, the JKN will continue making policy changes and seeking better forms of program implementation and management. The public, especially women, need to know about these changes, so they can effectively access the benefits of reproductive and sexual health services, or of other services provided by the JKN. Therefore, the central government, the local ones, and the BPJS Kesehatan, need to cooperate and develop strategies for disseminating information on the JKN's scope of services or its funding and management that involve various parties, including health workers and institutions of health facilities.

In its implementation, the program has been facing technical problems in the field since it first started. The problems range from patients who have to queue for hours to receive referral services, referrals that complicate patients' situation, difficulty in finding intensive treatment rooms, drugs are not available, to incidents where people cannot use their (health) cards to access the services, and these are common issues in the field²⁶.

²⁶ <http://ekonomi.kompas.com/read/2018/07/04/161758226/jumlah-peserta-jkn-kis-naik-bpjs-kesehatan-tetap-defisit>

A BPJS participant stated his support for BPJS Kesehatan to be present for 24 hours at hospitals, so patients can immediately file complaints when something happened and they do not need to deal directly with the hospitals. He admitted that there were indeed some issues in relation to availability and distribution of health facilities as well as health workers. Nevertheless, those issues should not be a problem. The BPJS Kesehatan should be creative and innovative in seeking ways to provide good services that will satisfy its program participants.

Not all places give equally good or poor JKN services. For example, the JKN delivers good services in big cities where there are complete health facilities and highly skilled health workers. But in other areas, although participants pay the same amount of fees, they cannot access health facilities and workers that have the same quality as those in big cities. Vast and heterogenous geographical area has presented a unique challenge for providing equal health services across Indonesia. Different areas require different interventions, according to their respective needs.

Cervical cancer survivors who are also JKN participants complained about the complicated referral letters that were only valid for 3 months, so they had to go back and forth to the original health facility, and about the lack of medicine that they have to take. Breast cancer survivors face another problem: every six months they have to have chemotherapy at Dharmais Cancer Hospital, but they already have to take the appointment 3 months in advance, before they can get the therapy. The doctors are often not available at the hospital and as a result, they have to return another day.

Indonesia is reported to have a high mortality rate caused by breast cancer, with 21.5 per 100,000 women passed away because of breast cancer and now it is found in all age categories; such cancer has even been detected in female adolescents aged 17 – 18.

Early detection, which has been heavily promoted by the Ministry of Health in order to prevent women from passing away due to breast cancer, has remained only as a program. It is a similar situation for Visual Inspection with Acetic Acid (VIA) *Inspeksi Visual Asam Asetat (IVA)* test, which only uses acetic acid liquids to detect any abnormal cells at a woman's cervix and surrounding areas, in practice, it has also remained a program and it is not included in the list of BPJS services, for which participants can file a claim. Not to mention pap smear, which needs laboratorium to detect any malignant cells in women's genital organs. One can file a claim to the BPJS for some of the laboratorium costs, but some health facilities do not want to perform the laboratorium tests because they cannot file a claim for those tests to the BPJS.

Elderly Women (the Elderly)

Quoting data from BKKBN, it is projected that the number of Indonesia's aging population will be 28.8 million in 2020, or will constitute 11.34% of the total population. This is a drastic increase. In 2010, the figure stood at 18 million people (7.6%), and in 2017, according to data from the National Social and Economic Surveys / *Survey Sosial dan Ekonomi Nasional (Susenas)* there were 23.4 million of them, or 8.97% of the total population. In 2025, it is estimated that the elderly will make up 15% of the population, up from the predicted figure of 12.9% in 2025²⁷.

²⁷ <https://www.beritasatu.com/kesehatan/552204/288-juta-penduduk-indonesia-menua-tahun-depan>

Quoting from the same source, gender wise, there are more elderly women than elderly men. The percentage of elderly women was 52%. And the highest number of the elderly was found in urban areas (51%).

Elderly women do have a higher life expectancy at birth (72 years) compared to that of elderly men (70 years), but elderly women's health condition is not always excellent, not to mention their economic condition. Indeed, most of elderly women in Indonesia are still highly productive, because they still work in home-industry business or take jobs in food services, body treatment services (massage, etc.) industries, or as janitors / cleaners, etc. And indeed, the government has continuously promoted Healthy Society Movement by recommending everyone to lead a healthy lifestyle, pay attention to adequate nutrition intake, be physically active, and monitor any signs of hypertension and their own blood sugar regularly.

One effort to empower the elderly in the community is establishing and coaching the Elderly Group. In several areas are called as Integrated Service Centers for the Elderly or Integrated Coaching Centers for the Elderly. In these groups, the elderly can do activities that will keep them active, including playing a role as the group's cadre, exercise classes for the elderly, cooking together, also making handicrafts—which other than giving the elderly a chance to do their hobby, such activity can also bring additional income to the family.

When one gets older, he/she faces a higher risk of experiencing physical, psychological, spiritual, economic, and social problems. One of the fundamental issues is health problems caused by degenerative process. Data from the 2013 Riskesdas showed that the most common diseases suffered by the elderly were non-communicable diseases (NCD) including hypertension, osteoarthritis, dental and oral problems, chronic obstructive pulmonary disease (COPD) and diabetes mellitus (DM).

It is not easy to treat those diseases above because elderly people generally suffer from degenerative, chronic, multiple diseases that need long-term and costly treatments and this will put considerable burden on the public and the government, including on the National Health Insurance (JKN) Program. Therefore, strategies for development of the health field focus more on promotive and preventive health care, supported by curative and rehabilitative quality services, also in terms of elderly people's health. The People's Healthy Lifestyle Movement (Germas) of this program is held by various women's organisation organisations, both the religious-based and the profession-based ones, so Germas is an empowerment program from, by, and for the citizens.

Elderly-Friendly Indonesia / *Indonesia Ramah Lansia* (IRL) is a movement to create elderly-friendly places and build the elderly's independence so they can be strong and productive, through sustained, innovative programs and long-term treatment approach. One of the programs is Elderly School, which offers lifelong informal education to the elderly. Moreover, the IRL also give training to caregivers of the elderly whose job is to accompany and help elderly people do their activities to fulfill daily needs.

Today, over half of Indonesian population aged above 65 tahun has disability or physical limitation, and they do not have any income security at old age (TNP2k.go.id, 23/05/2018). That means the elderly population might increase in line with the increase of poverty rate among them. In the near future, Indonesia will become an 'aging' society, today's challenges have to be

anticipated. The government needs to give considerable attention to investment in social security program for the elderly²⁸.

4. Emerging Issues and Challenges

4.1. National Policies

At the moment, the Government of Indonesia, through “Nawacita” (a nine-point development program), is committed to building the country from peripheral areas, such as increasing development in villages. The basis of **Village Regulations and Village Funds** include: (1) Act No. 6/2014 on Villages; (2) Government Regulation No. 47/2015 on Amendment to Government Regulation No. 43/2014 on Regulation of Implementation of Act No. 6/2014; (3) Government Regulation No. 8/2016 on the Second Amendment to Government Regulation No. 60/2014 concerning Village Funds that come from the State Budget / *Anggaran Pendapatan dan Belanja Negara* (APBN). Village Funds are APBN funds allocated to Villages and transferred through district/city’s regional budgets / *Anggaran Pendapatan dan Belanja Daerah* (APBD) and they are prioritised for : development implementation and village community’s empowerment.

The village act is a big commitment given to promote wider welfare for all social classes. To bring prosperity to all Indonesian people, it takes development all the way to villages, so there will not be any more underdeveloped villages. Another expectation is that the ongoing development will become one of the country’s milestones. The act can become a commitment of the program that favors the people, as foundation of the development in the last 10 years, which represents the government’s support to the grassroots community that sits at the bottom of the population pyramid. Village women can also access the village funds when they are disbursed every year. Around 20% of the funds may be allocated to Posyandu and to address stunting, subject to regional regulations.

The Ministry of Women’s Empowerment and Child Protection / *Kementerian Pemberdayaan Perempuan dan Perlindungan Anak* (KPPPA), as a part of the government, has two special Deputies who focus on coordination of child health policies, including: (1) **Deputy of Child Protection Division**, that handles issues related to efforts to protect and bring about the basic rights of children and bears duties to design policies and coordinate and synchronise implementation of policies concerning child protection; and (2) **Deputy of Children’s Growth and Development** that handles issues related to efforts to fulfill the basic rights of children, so they will achieve optimum growth and development and this Deputy bears duties to design policies and coordinate and synchronise implementation of policies concerning children’s growth and development.

Since 2006, the KPPPA has initiated the **Child-Friendly City / Kota Layak Anak (KLA) Policy** and the policy was revitalised in 2010-2011. The July 2018 data showed that 389 districts/cities had set up the KLA. Child-Friendly Cities are districts/cities with systems of development that ensure fulfilment of child rights and where special protection for children is provided in a planned, comprehensive, and sustained manner. The KLAs need Local Regulations, because it is not only *Pemberdayaan Perempuan dan Perlindungan Anak* / PPPA Agency’s job to create KLAs, but it is also the job of all local stakeholders, including public institutions, business sector, and the

²⁸ <https://www.theindonesianinstitute.com/tantangan-kebijakan-perlindungan-sosial-bagi-lanjut-usia/>

media. In 2018, there were 177 districts/cities that received KLA awards for different levels, under Pratama (basic), Madya (middle), Nindya (advanced) and Utama (top) categories. The KLA concept was designed in line with the administration system of the Indonesian Government that is run on local autonomy basis, and based on Law No. 23/2014 on Local Government that stipulates that Women's Empowerment and Child Protection shall be one of the obligatory matters that constitute non-fundamental services.

BKKBN has disseminated information on the importance of planned marriage through a promotive and preventive program : *Generasi Berencana (Genre) / Planned Generation* with its unique greeting, *Salam Genre*, that encourages young people not to practice premarital sex, or get married early, or do drugs. Genre and Center of Information and Counseling for Adolescents, which are present at schools, focus on educating the public on population control, reproduction, life skills, and adolescents' readiness for having a family. Involving adolescents as peer educators in the group is very effective for disseminating information on this program that seeks to raise the age for marriage.

Rumah Kita Bersama (Rumah KitaB) launched a book titled *Fikih Perwalian: Membaca Ulang Hak Perwalian Untuk Perlindungan Perempuan dari Kawin Paksa dan Kawin Anak* (Fiqh of Guardianship: Rereading Guardianship Rights for Protection of **Women from Forced Marriage and Child Marriage**). The book represented results of review on classic and modern texts on the concept of *wilayah*—the right and duty of male family members to exercise guardianship over female members—and *qiwamah*—a husband's authority over his wife. The review was conducted together with religious, sociologist, anthropologist, and legal figures, and activists for ten months. This book is expected to be a reference for judges, religious leaders, the public and community counselors who have been handling legal cases related to family matters, particularly child marriage and forced marriage. The review in this book convinced parents that guardianship in Islam cannot be abused for forcing a child to be married off to another person.

Pro-Women's National Legislation Program Network / *Jaringan Kerja Prolegnas Pro Perempuan* (JKP3) has designed and monitor the **Bill on Eradication of Sexual Violence (PKS)** with 9 types of sexual violence. The JKP3 has urged KPPPA to involve the civil society concerned with the PKS Bill in discussions about the bill's substance, in line with the mandate of Act No. 12/2011 on the drafting of laws and regulations. The JKP3 also demanded the Government and the House of Representatives (DPR) to immediately deliberate and pass the PKS Bill, so the bill becomes a law, without sacrificing the public participation principle, in order to supervise the quality of the bill's deliberation and content to make it better, in accordance with the bill's purpose: to be a breakthrough and cover the legal gap in Indonesia in relation to sexual violence issues, in a comprehensive manner.

4.2. Local Policies

Local Regulation of the District of Banjar, South Kalimantan No. 24/2016 on Accelerating **Reduction of Maternal Mortality Ratio (AKI), Infant Death and Improvement of Public Nutrition Status** through the Village Task Force of the Banjar District, is one of the local regulations issued towards lower AKI and better nutrition for women.

Child marriage can be prevented by implementing Governatorial Regulation No. 33/2018 on **Prevention of Child Marriage**, and Local Regulation of Katingan District No. 9/2018 on Prevention of Underage Marriage. Couples who are getting married also need to make

psychological and physical preparations for building a quality family, as stated in Governatorial Regulation of the Special Capital Region of Jakarta No. 185/2017 on Counseling and Health Checkup for Couples Who Plan to Get Married.

4.3. Challenges

- Gender inequality and injustice have become the main obstacles in implementation of every program and policy related to women's health.
- Culture and traditions in the community that clearly harm the health of women and children, for example, choosing certain food that will influence women's nutrition status. These factors of culture and traditions are always found in practices that are dangerous for women and children. Female genital mutilation (FGM) and child marriage represent actual examples of interventions by local culture and traditions.
- The growing conservative views among the community that result in the rejection of modern contraceptives

5. Recommendations

- 5.1. It is important to design policies that have elements of equity; this means the policies should include efforts to provide equal access to health services for the community, so all citizens will have the same opportunity, in terms of health services. In addition, there should be policies specifically aimed at citizens who are most in need (affirmative health policy). Foundation for pro-health and pro-public policies should also be build, with clear road maps and phases.
- 5.2. Each policy needs to apply the concept of evidence-based policy; this means a policy will only be designed once there is scientific evidence that shows the productivity level of the strategies to be incorporated into the policy. It is absolutely necessary to conduct need assessment before introducing and implementing the strategies, so they will be more efficient and targeted.
- 5.3. Primary health services are developed by prioritizing efforts towards maternal and child health, and to deal with other diseases that cause maternal and child death, such as malaria and other communicable diseases. It is important once again to reinforce the Population and Family Planning program, in order to control the birth rate, which is one of the factors that contributes to lower maternal mortality ratio (AKI). Within the last 20 years, Sri Lanka and Nepal have seen significant decrease in fertility rate and considerable increase in the number of users of contraceptives in their respective countries, and these might indirectly influence AKI.
- 5.4. It is necessary to develop a surveillance system (collecting, processing, analyzing and interpreting and disseminating data in a systematic and sustained manner), to conduct monitoring and evaluation that empower the local community's role. Vital registration and investigation of maternal mortality should be prepared from the beginning and used as advocacy tools. The health information system that is built in the beginning proved to help the monitoring program through quality data.
- 5.5. Materials about reproductive and sexual health and rights, as one of the mandates in the 2013 curriculum, still cannot be integrated into the teaching of all subjects. So far, the materials are only integrated into the subjects of biology, sports education and Pancasila and civic education / *Pendidikan Pancasila dan Kewarganegaraan* (PPKN). Moreover, schools as agents of change have not had any steps to protect and improve the condition

of victims of violence and bullying, including victims of sexual violence. This is despite the fact that Education and Culture Ministerial Regulation No. 82/2015 stipulated the need for protecting victims of violence and bullying at the school, thus, educational institutions need to immediately present the curriculum related to reproductive and sexual rights comprehensively or in a non-fragmented way, so knowledge about reproductive rights will be fully internalised (knowledge; awareness of elements in educational institutions about health, reproductive and sexual rights).

D. VIOLENCE AGAINST WOMEN

1. Overview of Last 5 Years (2014 – 2019)

Concerning prevalence violence against women in Indonesia, the result of 2016 National Survey on Women's Life Experience in Indonesia (SPHPN) stated that one of three women in Indonesia has experienced physical and/or sexual violence by her partner and non-partners.²⁹ This means that the rate of violence against women still high in Indonesia. The National Commission on Violence against Women [Komnas Perempuan], in its annual report also stated that the number of violence against women had been rising in the last three years, from 259,150 cases in 2016 to 348,446 cases in 2017, and it went up further to 406,178 cases in 2018.

The scope of violence continues to private or personal domain, community and state, where violence has been occurring with the same patterns, including domestic, sexual, and economic violence or family abandonment, and physical violence.

In 2018, Jakarta Legal Aid Foundation of Indonesian Women's Association for Justice (LBH Apik Jakarta) received a lot of internet-based violence—or its more known as cyber crime—cases that amounted to **42 cases**. These cyber crime cases include online and offline sexual violence committed through various modes/modus.

Table 12: Types of Applications Used

No	Applications Used	Ammount
1	Tinder	17
2	Facebook	12
3	Instagram	6
4	Online load	7
	Total	42

The perpetrators normally use Tinder and Facebook applications to commit online sexual violence and their modus to approach potential victims on social media and/or dating applications, without meeting them face-to-face. Following after the perpetrators introduced to the victims, they will ask the victims to do phone sex or online sexual

²⁹ ²⁹ Statistics Official News No. 29/03/Th. XX, 30 March 2017

activities. The perpetrators will record or document these online sexual activities by secretly.

Then the perpetrator will threaten the victim that he will disseminate the victim's pornographic pictures or videos if she does not want to have sex with him. The perpetrator will also blackmail his victim by asking for valuables and money. For cases of online loans which followed by online sexual violence, LBH APIK Jakarta received 7 cases filed by partners who were embroiled in online loans. One of the modus used by the perpetrators was to ask victims to have sexual intercourse with them and they send naked pictures to the victims, by promising that the victims' loan applications would be approved afterwards.

National data from the 2019 Annual Report of Komnas Perempuan stated that there were 13,568 cases of sexual violence in 2018. The LBH APIK Jakarta in its annual report said that in 2018, they received 837 cases from Jakarta, Bogor, Depok, Tangerang and Bekasi concerning violence against women. The 837 cases that they handled fall into several categories: domestic violence (275 cases), polygamy (7 cases), civil family law matters (180 cases), sexual violence (64 cases), dating violence (67 cases), forced marriage (1 cases), cyber crimes (42 cases), general crimes (43 cases), labor (66 cases), trafficking (3 cases), coercion of sexual orientation (2 cases), document and identity forgeries (4 cases), child rights (3 cases), community matters (12 cases).

Violence against women, especially the sexual one, also happen in the education sector in Indonesia. In 2017, the LBH APIK Jakarta received a complaint from a child victim whose still in primary school (SD). She reported that her teacher committed sexual violence against her. In 2016, "WD" became a victim of sexual violence committed by her teacher, at school for disabled. She became pregnant and gave birth to a baby. The teacher's modus was to give some tasks to her (to make him a cup of coffee, etc.). And he told the victim not to tell anyone about the violence, otherwise he threatened not to give any grades to her. The teacher claimed that he committed the violence because he loved his pupil. Below are several factors on why cases of violence at school are not exposed:

- Schools tend to cover up sexual violence against their students for the sake of the "School Reputation";
- The victim's family is under "pressure" not to file any complaint to the police and to settle the case amicably;
- Students are revictimized: they are blamed as the ones who have put their teachers behind bars for the concerned acts of violence;
- Students move to other schools or even do not want to go to school anymore because they are ashamed and treated differently after their cases have been discovered by the school.

Violence against women also takes place in disaster areas, as revealed by findings from Rapid Assessment on Gender-Based Violence (KBG) during Emergency Period of November 2018 – January 2019 in Palu, Sigi Donggala, Central Sulawesi. The findings showed that there were 57 cases of gender-based violence, i.e. physical and sexual assault including rape, reported to Women Friendly Space (WFS) during the period of Rapid Assessment on KBG. The 57 cases include 31 cases of domestic violence, 8 cases of rape, 12 cases of sexual harassment, 5 cases of sexual exploitation and case of gender-based violence.

And for the last year until June 2019, the Indonesia Civil Society Alliance for Universal Health Coverage has mapped a number of violence committed on the basis of *sexual*

orientation, gender identity and expression, and sex characteristics (SOGIESC). The number of victims of violence was 61 people. The data showed that the highest number of cases occurred among female transgenders with 43 (70.49%) of them became victims of violence; then gays (14 individuals—22.95%); and lastly, lesbians (4 individuals—6.56%)

However, there have been a lot of obstacles in the legal process for solving cases of violence against women, especially in sexual violence cases where some of them instead criminalised the victims. Some law enforcement officers have not yet to consider the victims' perspectives when they are handling the related cases, they still treat victims as objects instead of subjects whose legal rights should be respected; the prolonged and exhausting legal process towards legal justice has made victims reluctant to proceed with their cases; a lack of protection for victims and witnesses, so victims sometimes get pressure from third parties and this make them afraid and at the end, they decide to withdraw their complaints.

In Indonesia, the law has not yet to be in favour of women who have become victims of violence, especially in cases of sexual violence. This is even more so if the cases involve victims who came from marginal groups such as LBT, the disabled, women with HIV/AIDS and sex workers. They will just suffer multi-layered violence.

Another violence against women is trafficking in persons committed with the following modus: sending women's migrant workers abroad or sending mail-order brides abroad, as discovered by the Indonesian Migrant Workers Union (SBMI) that 29 women became victims of trafficking in persons; they were sent abroad as mail-order brides and also as forced labor.

The Supreme Court (MA) reported that there were 407 prosecution of new cases of trafficking in persons in 2017, up from 263 prosecutions in the previous year; these figures were results of data collection that has been improving over the years. The Supreme Court (MA) also reported that in 2017, it had made 324 rulings—which represented an increase from the previous year when it only made 190 rulings—and sentenced the defendants to prison terms between two and a half and seven years³⁰.

Between 2011 and 2018, according to the Indonesian Child Protection Commission (KPAI), there were over 33,000 cases against children which happen in various areas across Indonesia. Last year, there were 329 cases concerning trafficking in persons and exploitation.

2. ACHIEVEMENTS AND PROGRESS

Strategic Goal No. 1: Conduct integrated actions to prevent, eliminate and handle acts of violence against women

1. Government level

- Several local governments have taken measures in an effort to prevent, address and eliminate violence against women:

³⁰ 2018 Annual Report on Trafficking in Persons, the US Embassy and Consulates in Indonesia

- a. The Government of Kulon Progo Regency of Yogyakarta Province in 2016 issued the Kulon Progo Regent's Regulation No. 4 on the Forum for Protection of Victims of Violence. This forum was formed to provide protection for victims of violence and make efforts to prevent violence against women in Kulon Progo Regency. The forum consists of various stakeholders from government, practitioners and civil society
 - b. The Government of the Special Capital Region (DKI) of Jakarta, by virtue of Governor Decree No. 1564/2017, offers free forensic medical examination to victims of violence against women and children in DKI Jakarta area.
- The Witness and Victim Protection Agency (*LPSK*) provides protection to women who receive threats or who press charges for criminal acts
 - The Government also provides shelters and safe houses for women who have become victims of violence
 - The Government, through the *LPSK* and the Integrated Care Center for the Protection of Women and Children (*P2TP2A*), has provided psychiatrists for victims

2. Civil society level

- Civil society's advocacy of passage of the Bill on Elimination of Sexual Violence (*PKS*) and the Criminal Code (*KUHP*) that include gender perspectives and provide support to victims. This advocacy is run through different methods, such as campaigns on social media and in print, public education and lobbying the Indonesian House of Representatives and Government.
- The civil society movement has successfully pushed the government to adopt the ILO Convention No. 190/2019 on the Elimination of Violence and Harassment in the World of Work. This convention seeks to protect both formal and informal workers, regardless of their status and sectors of employment, including interns, volunteers, job seekers and laid-off workers.

Strategic Goal No. 2: Study the causes and consequences of violence against women and study effective steps for its prevention

- The presence of the Integrated Center for the Protection of Women and Children (*P2TP2A*) following the passage of Law on Elimination of Domestic Violence in 2004 and Law on Elimination of Human Trafficking in 2007, constitutes the government's effort and commitment to providing protection and handling women and children who have become victims of violence. The *P2TP2A* is established in all provinces and districts/cities in Indonesia with an aim to facilitate the need of services for victims of violence. However not all of *P2TP2A* are able to play their role as a recovery mechanism for women (and children) who have become victims of violence. A lack of support from local governments, especially in terms of budget allocation has been a challenge that has not been fully addressed. The Komnas Perempuan reported that only Provincial Governments of East Java, Central Java, West Java and DKI Jakarta provided adequate support to the implementation of

the P2TP2A's mandate, both in terms of budget and infrastructure, so the P2TP2A can play its role in giving support to the victims.³¹

- The existing civil society groups or women's organisationorganisations have made many preventive efforts through the following measures:
 - a. Information dissemination, education and campaigns at junior and senior high schools, to establish a system of prevention against violence at school. One example is the establishment of peer groups at junior high school (SMPN) 139 in East Jakarta that will become friends of the victims and provide information to fellow students at the school on violence, especially sexual violence against women.
 - b. Giving education on gender and violence against women to law enforcement officers, such as judges, prosecutors, et cetera
 - c. The existing women crisis center continue giving support to women victims of violence, including legal and psychological support
 - d. Joint campaigns and legal cooperation to handle sexual violence cases, such as in the case of a victim named BN who suffered sexual harassment from her supervisor. This movement managed to prompt the government, i.e. the president of Indonesia, to declare an amnesty for BN. Further, in other cases, the civil society movement has succeeded in pushing the government to give justice and protection to the victims.

Strategic Goal No. 3: Eliminate the trafficking of women and assist the victims of violence that are related with prostitution and trafficking of women

3. CHALLENGES

Efforts to prevent, protect, and handle cases of violence against women in Indonesia still face considerable challenges in relation to:

1. Growing religious fundamentalism have encouraged the rise of radicalism and extremism views that are highly gender bias, and women become the marginalized group in this constellation of issues. These views have been spreading not only among the community, but also to government bodies, which in this case, are ministries and state institutions. As a result, the policies issued are highly discriminatory against women. The Komnas Perempuan reported that the results of their monitoring in 2016 showed that there were 421 local regulations that discriminate against women.
2. Indonesia is still confronted by quality of human resources that do not have perspectives of gender justice and gender equality at legislative, executive and judicial levels. The views that are heavily gender bias have just made cases of violence against women not dealt with fairly for victims, especially in relation to legal ruling and the victims' mental health recovery or trauma recovery. This is even more so if victims came from marginal groups, like disabled women, women with different sexual orientation, indigenous women, etc.
3. Within the community, there are still gender-biased views and perspectives, particularly against women victims of violence. There is often stigma to women

³¹ The result of assessment of P2TP2A in 16 Provinces, Komnas Perempuan and Forum Pengada Layanan (FPL), 2017

victims of violence: when women became victims of violence, especially sexual violence, they were instead seen as the reason why such violence occurred and this led to the belief that those women deserved to suffer their fate as victims because of the way they talked, the way they dressed or the way they behaved, which were regarded to be against social or religious norms. This, in turn, has made it not so easy for women victims of violence to report or to tell others about their cases, because they will instead be revictimized by the current perspective of the public. If many victims do not dare to speak up, consequently, it will become even more difficult to address and eliminate violence against women.

4. RECOMMENDATIONS

1. The House of Representatives of the Republic of Indonesia (DPR RI) should pass the Bill on Elimination of Sexual Violence that is pro-victims soon, at the end of DPR RI's 2014 - 2019 term.
2. The Government should ratify the ILO Convention No. 190 on Elimination of Violence and Harassment in the World of Work.
3. The Government, in this case the Ministry of Women's Empowerment and Child Protection (KPPPA), should do systematic monitoring and evaluation measures and improve the performance of the Integrated Center for the Protection of Women and Children (P2TP2A) in providing comprehensive services to women and children who have become victims of violence, by giving full support to the P2TP2A in terms of funding, programs and supply of quality human resources towards provision of services to victims of violence.
4. Every legislation or policy drafted should facilitate everyone to access justice, without experiencing any discrimination on any basis.

E. WOMEN & ARMED CONFLICT

1. Overview

Following a seven-year negotiation process on the draft of National Action Plan 1325 at Ministry/Institution level, finally in 2014, the Women Peace and Security Agenda was adopted by Indonesia in the form of Presidential Regulation No. 18/2014 on Protection and Empowerment of Women and Children during Social Conflicts (RAN P3AKS), or at international level called National Action Plan 1325 on Women Peace and Security (NAP 1325). This NAP represents *contextualization of United Nations Security Council Resolution 1325 on Women, Peace, and Security in Indonesia*, that directly refers to national legislation, i.e. Law No. 7/2012 on Handling of Social Conflicts and Law No. 7/1984 on ratification of the Convention on the Elimination All Forms of Discrimination and Violence against Women (CEDAW).

Presidential Regulation No. 18/2014 on National Action Plan for the Protection and Empowerment of Women and Children during Social Conflicts (RAN P3AKS), and Regulation of Coordinating

Minister for People's Welfare No. 7 and 8 of 2014 that discuss P3AKS Working Groups and Content of RAN P3AKS Program Matrix, are disseminated and translated into Local Action Plans (RAD) for the P3AKS in provinces considered vulnerable to social conflicts, including Bengkulu City, Provinces of West, North Sumatra, Central Sulawesi, West Nusa Tenggara, Central Java, East Java, Special Region of Yogyakarta (DIY), West Java and North Maluku.

The presence of the RAN P3AKS has also contributed to better coordination among Ministries and Institutions that join the Integrated Team (TimDu) for Handling Social Conflicts that is under the coordination of the Ministry of Interior. By virtue of a Joint Decree of Minister of Women's Empowerment and Child Protection, Coordinating Minister of Human Development and Culture, and Minister of Interior, concerning Integration of P3AKS Working Group into the structure of the Integrated Team for Handling Social Conflicts, the KPPPA is encouraged to play a more explicit role in the handling of social conflicts and the ministries are expected to have a better cross-ministry coordination pattern.

Direction of the development that emphasizes on village independence has also encouraged efforts to handle social conflicts to be made in an integrated manner, in designs for development in villages. By Law No. 7/2014 on Villages, the government ensures schemes for reinforcing community resilience where early detection of conflicts is run, also, women's participation in development planning at village level is strengthened, including the one in conflict management.

The widespread radicalism and terrorism that see women involved as perpetrators, especially in areas vulnerable to social conflicts, have made the presence of the RAN P3AKS relevant, because gender-based violence (GBV) will get worse in conflict areas, when extremism enters the scene. Given KPPPA's small role in combat against terrorism, we do not have very strong our homework concerning gender mainstreaming (PUG) in this field.

2. Progress

Having implemented the Beijing Platform for Action for 25 years, the Indonesian government and civil society have made several achievements in response to conflicts and violence and in providing access to justice for women who became victims of conflicts and violence, including:

Strategic Goal E.1 Increase women's participation in conflict resolution at decision-making level and protect women who live in situations of armed conflicts and other conflicts or foreign occupation

The presence of constitution mandate stated as Preamble in the 1945 Constitution that read “Protect all the people of Indonesia ... and to participate toward the establishment of a world order based on freedom, perpetual peace and social justice.” The Indonesian Government has given its commitment to international agreements related to issues of women, security and peace, including UN Security Council Resolution 1325, which states that women play an important role in building peace and security of the world. The Committee of Elimination All Forms of Discrimination and Violence against Women (CEDAW Committee) issued General Recommendation No. 30 in 2013 as a reference for signatory countries of CEDAW, including Indonesia, in efforts to eliminate discrimination and violence against women in the context of conflicts.

Through the implementation of Law No. 7/2012 on the Handling of Social Conflicts, especially implementation of the RAN P3AKS, now 10 provinces have the RAD P3AKS, where capacity building of female negotiators is an important part in the planning. The Central Sulawesi Province is considered a leading province when it comes to running a local action plan (RAD), by integrating terrorism prevention into the plan.

The formal involvement of women in ending conflicts has not been significant. In Helsinki and Malino 1 and 2 conflict resolutions, we still saw women’s representativeness in the effort to end the conflicts, even though their number was very small³². Unfortunately, in the context of tension between religions, the cases that came to the surface in the last 10 years, including Sunni-Shia disagreement, attacks against Ahmadiyah, churches shutdown, almost no woman was involved as negotiators. This is because women’s leadership in minority groups is also marginalized. Also in solving the Kendeng case, where Kendeng Female Warriors launched resistance without violence, the government also did not immediately create a task force team and involve women.

KOMNAS Perempuan also made another breakthrough by creating Victim Recovery Method where recovery process starts from a victims’s struggle, then the victim becomes a Survivor and finally a defender (Women Human Rights Defender). For example, Anyam Noken in Papua is one of the efforts to develop a community-based recovery system through Monitoring and Documentation work that integrates the recovery system. Komnas Perempuan and its network have also built victims’ capacity and supported them to gain capacity for monitoring violence against women, as part of strengthening victims and their recovery, by listening to other victims so they will not feel alone. This monitoring capacity, which comes with human rights and gender perspectives, is part of the efforts to transfer knowledge to victims and survivors, so they will have capacity and radar for monitoring violence, so perpetrators can sense that they are being watched and will not be able to repeat their acts. In Papua, Komnas Perempuan developed the Anyam Noken concept, to explore community-based recovery, especially in relation to the experience of

³² Shadia Marhaban was involved in representing members of the group that supported the Free Aceh Movement (GAM). In Malino I agreement, two female priests from Christian community took part in peace talks and they were Nelly Alamako and Lis Sigilipu, and a Muslim who was the Aisyiah leader named Ruwaidah Untiango. A different composition was applied in the Malino II agreement designed to end violence in Maluku, by involving three women from Christian and Catholic communities, including Sister Brigitta Renyaan and Ety Dumatubun who represented the Christian community and Margareta Hendrik, the representative of the Catholic community. Rohaiza Ahmad Asi et al., 2010, *Perempuan dalam Meja Perundingan: Meningkatkan Kontribusi Perempuan dalam Penyelesaian Konflik*, Center for Humanitarian Dialogue (HD Center): Switzerland

indigenous Papua women who have suffered multi-layered violence. By going through a recovery process that is integrated with monitoring, this methodology breakthrough wishes to make women—as the documented parties—feel that they are not left out once their experience has been heard. Instead, they will work together to decide on the common needs that will be observed collectively, and one of the results is the Special Local Regulation (Perdasus) concerning recovery of female victims in Papua.

In 2012, other than continuing the Anyam Noken process in a number of areas, KOMNAS PEREMPUAN facilitated capacity building in networking for institutions of women's human rights in Papua, and raised awareness among the public and government on violence against women and women's human rights in the area. Cross Monitoring between Victims of Religion-Based Violence also came up with a similar methodology, where the monitoring pattern allows victims to see that their fellow survivors had the same fate, to see the strength of survivors from other victim communities and a common chance to fight together for their rights³³. Other efforts that non-governmental organisations have made include providing a testimonial forum for women, so they can hear in person about the impact of churches shutdown, mass attacks to their communities, and discrimination based on differences in beliefs. Institutions that give support services often hold this kind of forums to give women a chance to listen to testimonials and sensible proposals on solutions³⁴.

Civil society organisations have also made gender mainstreaming efforts at the police. Since police launched the Gender Mainstreaming internal program in 2002, the Office Memo from the Police's Division Head of Legal Development to Bureau Head of General Planning and Development No. Pol.: B/ND-526/XII/2002 on Socialization of Proposal on Gender Mainstreaming about and Child Protection. This rule was also based on a coordination meeting between legal sectors at the Planning Bureau of the General Attorney's Office of the Republic of Indonesia, November 2002. In regard to its implementation, the National Police Chief (Kapolri) issued Telegram of ST Kapolri No. Pol.: T/839/VIII/2003, dated 13 August 2003. The low commitment from senior police officers has made the progress of police reform that includes gender perspective terribly slow. Moreover, within the police force, the understanding on the construction of women continues to be highly biased against gender. Plus, this government policy has not been integrated into all programs at the police force and still focuses on socialization to the police within Police Headquarter and Regional Police. The police plays an important role, therefore NGOs also introduce the mainstreaming gender agenda to the Police, so their

³³ Taken from the 2012 Work Report of the National Commission on Violence against Women

³⁴ Testimonial Forum for Church women was held in 2010 by the ICRP. The AMAN Indonesia also provided small forums for dialogue between Ahmadiyah women and their counterparts from Sunni, between Shia women and the ones from Sunni, to build strong solidarity with their fellow women. This program has been running since 2010.

perspectives, attitude and behavior will be better and they can approach cases of violence against women by applying gender-sensitive principles³⁵.

In the context of responding to extremism, the whole society approach adopted by the National Counterterrorism Agency (BNPT), and the important need of engaging women's role can no longer be denied. At the government level, Indonesia consistently promote the importance of gender equality dan women's empowerment in various international forums such as the Global Counter Terrorism Forum (GCTF), Sub-Regional Meeting, and also the drafting of the ASEAN Plan of Action on Prevention and Counter the Rise of Radicalisation and Violent Extremism, the awareness on the importance of women's role in prevention against extremism. Although they have yet to deliver optimal results, programs that engage women as agents of peace have also been run since 2017 by the BNPT, by involving 6,400 representatives of female leaders in 32 provinces.

Also, the civil society promotes intensively the importance of gender mainstreaming in combating extremism, through the establishment of the Working Group on Women and PCVE (WGWC), an interactive platform between the civil society and government. The big agenda of the WGWC is to ensure that gender mainstreaming is included in policies and program interventions related to combating extremism.

Strategic Goal E2: Reduce Excessive Military Spending and Control Weapons

Global Firepower 2019³⁶ released a report on military spending, where Indonesia ranked second after Singapura, in terms of military spending. Its total budget was US\$ 6.9 billion, or equivalent to IDR 98 trillion, for an exchange rate of IDR 14,000 for US\$ 1. Globally, the amount of Indonesia's military budget ranked 30 out of 157 countries surveyed. The country that has the biggest military budget was the US, with a budget of US\$ 716 billion. The strength of Indonesian military, GFP continued, ranked 15 out of 157 countries, and ranked first at ASEAN level.

³⁵ The Fact Sheet of the Institute for Defence Security and Peace Studies showed that the Caucus of Female Parliamentary Members of the Republic of Indonesia (KPP RI), LBPP Derap Warapsari, State Minister of Women's Empowerment, especially in the establishment of 9 Units of Special Services Rooms (RPK) in the territory of the Metro Jaya Regional Police (Polda Metro Jaya) and its team, in order to serve women and children who are victims of violence in 1999. International aid agencies, such as Unicef, ICITAP, IOM gave their support in forms of equipment, various training such as training on child protection, fight against trafficking in persons, and funding support to back up the operation of this program.

³⁶ <https://databoks.katadata.co.id/datapublish/2019/03/28/di-tingkat-asean-nilai-anggaran-belanja-militer-indonesia-urutan-kedua>

As per the Helsinki peace agreement between the Government of the Republic of Indonesia and the GAM signed on 15 August 2005, the next stage of conflict resolution was *Disarmament, Demobilization and Reintegration* (DDR) that the Government implemented with the help of the Monitoring Team (AMM), which was headed by Pieter Feith. In the beginning, the Government of Indonesia withdrew 1,800 Indonesian military (TNI) personnel and 3,700 personnel of the National Police force (Polri) that were brought from outside Aceh, marking its commitment to peaceful resolution. This process proved to be successful in building trust between the GAM and the Government of the Republic of Indonesia.

Strategic Goal E3: Increase Non-Violent Conflict Resolution and Reduce Human Rights Violations in Conflict Situations

Non-violent approach in conflict resolution has become the priority of the Indonesian government in solving conflicts. Since the Integrated Team for Handling Social Conflicts was established to implement Law No. 7/2012, conflict resolution at regional level can be handled by the Political Unity Office (Kesbangpol) as coordinator of the Integrated Team (TimDu) for Handling Social Conflicts. At the national level, the approach that consists of dialogue and infrastructure development has been chosen by Joko Widodo's administration as the model for dealing with issues of religious tensions in some places. For example, in solving the Sunni-Shia conflict, in meeting the needs concerning residential administration requirements such as ID, Marriage Certificate, Land Ownership Deed, and road construction, and sanitation facilities, they are carried out at the same time as efforts of dialogue and reconciliation are made. Although until now, the Shia still live at low-cost rental apartments (Rusunawa) of Jemundo in Sidoarjo, but there has been intensive dialogue between the Shia and the national government. But the offer for relocation, as a solution, did not really come from the Shia.

This is also the case when it comes to the approach taken by the civil society. In the last five years, demands for justice for conflict victims have been delivered through creative ways that emphasize anti-violence. For example, Kendeng Female Warriors cemented their feet together from 11 March to 13 March 2016 (Wednesday) and this action managed to attract national attention to the natural resources conflict in Kendeng and gain support from many parties. This also had an impact on patterns of the case resolution, although the dialogue still continues until now.

The National Commission of Human Rights (KOMNAS HAM) received 525 complaints during January-April 2019 period in relation to cases of human rights violations taken place at the police, corporations, local governments, the central government, and education institutes³⁷. "*Out of 202 violations against freedom of religion and beliefs (KBB), 72 of them involved state officials as the actors. The most dominant state actors were local governments that committed 29 acts,*" Setara Institute Research Director Halili said, in his presentation in Central Jakarta (31/3/2019)³⁸. The

³⁷ This article was published on Kompas.com under the headline "Komnas HAM Terima 525 Pengaduan terkait Pelanggaran HAM Periode Januari-April 2019", <https://nasional.kompas.com/read/2019/07/16/13191061/komnas-ham-terima-525-pengaduan-terkait-pelanggaran-ham-periode-januari>.

³⁸ This article was published on Kompas.com under the headline "Setara Institute: 2018, 202 Pelanggaran Kebebasan Beragama dan Berkeyakinan Terjadi", <https://nasional.kompas.com/read/2019/03/31/16014091/setara-institute-2018-202-pelanggaran-kebebasan-beragama-dan-berkeyakinan?page=all>.

types of violations were still related to refusal over religious activities, rejection of construction of places of worship, hate speech, vandalism against places of worship, interruption on religious activities, and even terror.

In the 2018 Annual Report of KOMNAS Perempuan 2018³⁹, violations against women's human rights also made up an important point to consider. These violations include:

- a. Women in Jakarta's Gubernatorial Election: Hate Speech about Rape that contained Elements of SARA during the 2017 Gubernatorial Election in Jakarta, Politisation of Ethnic Identities and Resurrecting the Trauma of the May 1998 Tragedy, and Elderly Woman Who Passed Away Threatened Not to Receive Islamic Funeral Prayer.
- b. Freedom of Religion, Expression, and Incidents of Intolerance: Freedom of Religion and Incidents of Intolerance during Execution of Decisions, the Case when a Depok Mosque used by the Ahmadiyah Indonesia Congregation (JAI) was sealed off, the case concerning the Annual Meeting (Jalsah Salanah) of the JAI Papua that was interrupted and forced to stop in the middle of the meeting, Cyber Bullying and Persecution in the Context of Freedom of Opinion and Expression, Discrimination and Bullying as Marketing Strategies.
- c. Past Violations against Human Rights: Attack against the Joint Meeting of 1965/1966 Survivors at LBH Jakarta (Jakarta Legal Aid Foundation) and Hoax about the Resurrection of the Indonesian Communist Party (PKI) and the Developments of the Truth and Reconciliation Commission in Aceh.

Early findings about discrimination and violence faced by women in this context were based on the results of direct consultation and monitoring by Komnas Perempuan that it shared with national authorities and international human rights mechanisms, including the Universal Periodic Review forum (in June), the CEDAW Committee meeting (in July), and the Forum for Minority Issues (in November), and with the public at various dialogue forums held to raise prevention and address, in particular, discrimination and violence against women, and in general, intolerance attacks⁴⁰. Another initiative that the civil society has carried out is supporting minority women by building their capacity, building communication between minority women and their counterparts from the majority groups, so the buffer community can perform its function of protecting minority population in case they are attacked again⁴¹.

Strategic Goal E4: Increase Women's Contribution to Preservation of Peaceful Culture

³⁹ The 2018 Annual Report of KOMNAS Perempuan
https://www.komnasperempuan.go.id/file/pdf_file/2018/SIARAN%20PERS%202018/Lembar%20Fakta%20Catuhu%207%20Maret%202018.pdf

⁴⁰ Extracted from the 2012 Work Report of KOMNAS Perempuan

⁴¹ AMAN Indonesia facilitates dialogue between women from minority groups and those from majority groups in Jakarta, Bogor, Tasikmalaya, and NTB, under a program called Women's School for Peace. Another indirect initiative came from the National Alliance for Unity in Diversity (ANBTI), which holds regular dialogue with the group of traditional belief followers. Search for Common Ground also produces popular media to promote tolerance and peace.

Women has vast contribution in promoting peaceful culture. Education on peace intended for women is delivered using various models, including training, Training of Trainers, Road Show, regular classes, et cetera. The targeted changes are not only expected to happen at individual level, but also at social and political levels, so the better critical thinking gained by women at the grassroots can be manifested in the decision-making models closest to women.

Contribution of the civil society towards peaceful culture is given through women's role in promoting peace. AMAN Indonesia is one of them.

Programs for promoting peace are available at various ministries and institutions. For instance, the Peaceful Local Government (Pemda Damai) program, which is a breakthrough from the Ministry of Underdeveloped Villages that wished to design a grand strategy for preventing and managing conflicts. Ten provinces were selected for the pilot project of this program and they include Aceh, West Kalimantan, East Java, North Sulawesi, Central Sulawesi, NTT, Maluku, North Maluku, and Papua. The objective of this program is, in addition to integrating the idea of peace into the working plan, to serve as a forum for meeting and discussing the main points of the national strategy with the participants.

Efforts to document best practices in the field in relation to peace normally come as part of the job. However, research institutions at the universities have excellent collections of studies in regard to conflict issues and efforts towards peace. The Indonesian Institute of Sciences (LIPI) has a collection of studies related to conflicts in Aceh, Poso, Sampit and Papua—for the purpose of increasing one's insight into the root cause of those conflicts. The PUSHAM Paramadina, the Center for Religious and Cross-Cultural Studies (CRCS) together with the Islam and Social Studies Institute in Yogyakarta, made a series of studies on pluralism, churches shutdown, and freedom of expression, where researchers tried to look at major and minor issues from different points of view. For example, a study titled *Pemukiman Kembali Pengungsi Akibat Konflik Sosial* (Resettlement of Refugees due to Social Conflicts), written by Pardino et al., warned that it is important for the government to pay attention to land ownership documents, a lack of complete data on refugees, low selling price of properties, and also the reluctance of refugees to sell their properties.⁴²

Support the initiatives of women and the civil society to build and preserve peace in developing social reconstruction methods, including by building information center on women, peace, and security, and support and design education programs that aim to achieve peace and diversity.

⁴² Pardino, 2008, *Pemukiman Kembali Pengungsi Akibat Konflik Sosial*, LIPI: Jakarta

Strategic Goal E5: Give protection, assistance, and training for female refugees

In the context of the Sunni-Shia conflict in Madura, a number of civil society organisations have provided support to the refugees through various programs of livelihood, reinforcement of women's leadership, health, and emergency education for children. In synergy with the Kesbangpol, civil society organisations continue giving support to the Shia group who has been staying at Jemundo Low-Cost Apartments since 2011 since a lot of community members still refuse to accept the Shia.

Cooperation of KontraS, AMAN Indonesia and Yakkum has enabled the three organisations to share their roles effectively in giving assistance and capacity building to the Shia, especially their women and children. KontraS consistently supports the victims in their efforts to seek justice for the victims. AMAN Indonesia builds women's capacity, so they can independently manage the aid they receive and improve reading skills, and reinforce the youth movement. Yakkum, with its basis as a health organisation, offers rapid health services and psychosocial consultation. This cooperating has convinced the government to grant several demands concerning residential administration requirements.

One of the autonomous bodies of Nahdatul Ulama (NU), the biggest Muslim mass organisation, NU's role through its autonomous body called the NU Research and Development Institute (Lakpesdam NU) also carries out peace education and economic empowerment in areas embroiled in conflict. Many parties implement capacity-building programs towards the refugees' independence. Unfortunately, until now, there has been no certainty on when they can return to their home.

The Mayor of Palu launched a reparation program for victims of past human rights violations, by means of poverty alleviation and stigma. Rusdi Mastura offered an apology to victims of the 1965 Incident at Open Dialogue to Commemorate the Rights of Victims of Human Rights Violations to Truth and Justice. The event was initiated by the Solidarity of Victims of Human Rights Violations in Central Sulawesi, on 24 March 2012. His apology marked the state's acknowledgment to the 1965 incident that hurt many victims. Palu Mayor Regulation No. 25/2013 stipulates in detail the National Action Plan for Human Rights at Regional Level. Without such apology, the human rights would have never been upheld.

Strategic Goal E6: Provide Assistance for Women, Groups and Colonies

In accordance with the mandate of Law No. 7/2012 on the Handling of Social Conflicts, the government is responsible for the needs of women and children. Presidential Regulation No. 18/2014 on Protection and Empowerment of Women and Children in Conflict Areas. Based on both laws, it is the responsibility of relevant ministries and institutions to handle conflicts and provide assistance. With the presence of RAD P3AKS (Local Action Plan (LAP 1325) , which is derived from RAN, there will be great support for the peace initiatives brought about by women.

Efforts to raise awareness among the public on the importance of women's engagement in peace have been made from a long time ago. Young people who prefer the Youth Camp model for promoting the idea of living side by side with people from different backgrounds and making efforts to build the same understanding among different people. Creative models are also used, such as Futsal of Peace where the players consist of young people from both minority and majority groups. Nevertheless, campaign programs on the importance of tolerance and respecting differences of fellow human beings are still relevant in today's segregated community, which has made Muslims rarely meet non-Muslims. Intensive training for women, such as leadership training, negotiation, conflict analysis and instruments of human rights/women's human rights/child's human rights, make up the main menu of nearly all peace workers, since education is a vital element.

The Ministry of Women's Empowerment and Child Protection has drafted a Ministerial Regulation in relation to Protection of Woman Activists for Peace. This Regulation is intended to be a legal basis that the government will use for taking care of Woman Activists for Peace, whose lives are often at risk.

4. RECOMMENDATIONS

1. In Efforts to Give Protection to Citizens

- a. Give special attention to end the conflict in Papua by involving women and integrating perspectives of women's human rights. For that reason, give priority to the following: (a) eliminate the separatist stigma associated with Papua; b). stop using security approach in handling the conflict in Papua; this include reducing the placement of law enforcement officers and security posts there, reducing the placement of intelligent units, and thus, promoting persuasive approaches; (b) hold Peace Talks for ending the conflict in Papua; (c) implement at once and without delay the Special Local Regulation on Restoration of the Rights of Women Who Are Victims of Violence and Human Rights Violations, which has been sitting at the Ministry of Home Affairs since 2011; (f) open accessto enter Papua for all parties in regard to conflict resolution in Papua.
- b. Improve natural resources management by first, reviewing once again all natural resource management permits and spatial planning and this should be done with active participation from the public, including women, and through investigation and upholding the law on the perpetrators of corruption acts in natural resources management

- c. Prioritize approaches based on humanity and human rights, and improvement of public services in dealing with other conflicts, including the ones in border areas.
- d. Ensure that the RAD P3AKS (LAP 1325) is implemented at provincial level and promote integrated prevention against extremism and violence, because conflict areas are vulnerable to terrorists who wish to turn these areas into their “safe grounds”

2. **In terms of the Agenda to Protect the Entire Nation and Give a Sense of Security to All Citizens:**

- a. ensure that discrimination and violence against women are prevented and dealt with, as part of the efforts to build the professional TNI and POLRI that can be held accountable, under revision of policies, including Law No. 34/2004 on the TNI; Law No. 31/1997 on Military Court; Law No. 17/2011 on State Intelligence and in the work of the National Security Board (if established)
- b. conduct audit on defense and security budget, in order to allocate more budget to efforts to uphold justice and build peace
- c. integrate gender-based violence (GBV) into the military institution
- d. optimize elimination of discrimination and violence against women, in addition to the human rights content, in education curriculum of the Indonesian police and military (TNI), public service education and curriculum of the multi-tiered training held by the government.

3. **In Building Legal System and Law Enforcement that Include Gender Justice, by:**

- a. Prioritize improving the legal umbrella for handling cases of sexual violence against women and children, including the ones occurred in the context of conflict.
- b. Integrate the issues of access to justice for women who are victims in corruption eradication, legal mob and issues of law enforcement.
- c. Review and revoke all discriminatory laws, including multi-layered discrimination and violence against women. Data from Komnas Perempuan showed that in 2018, there were 421 discriminatory local regulations applied in the name of religion and morality.
- d. Ensure protection of the rights to freedom of religion and beliefs, including by (i) reviewing/revoking all rules that violate freedom of religion, including the ones concerning permit for building places of worship; (ii) taking firm actions and punish perpetrators of violence and discrimination that intimidate minority religious groups, (iii) fulfill citizenship rights of minority religious and traditional-belief groups that are protected by the Constitution, including registration of marriage, birth certificates, and identity cards, and (iv) restore the rights of the victims, including women from minority religious and traditional-belief groups, who have directly and indirectly suffered violence and

discrimination because they are minority group members and also due to their position as woman.

4. The Ministry of Women's Empowerment and Child Protection (KPPPA) promotes integration of prevention against violence and extremism into the RAN for Protection and Empowerment of Women and Children in Social Conflicts, by:

- a) Conducting review of implementation of the RAN P3AKS for the period of 2014-2019, including by taking a look at radicalism phenomenon in regional areas;
- b) Facilitating the drafting of the second-generation RAN P3AKS, by strengthening elements of prevention against violence and extremism.

5. Promote Gender Mainstreaming in dealing with violence and extremism at policy level and reform the structure of the BNPT, by:

- a) Conducting review of the Gender Mainstreaming in the work carried out for combating violence and extremism
- b) Sign an MoU with the BNPT to ensure that Gender Mainstreaming is applied by reforming the structure of the BNPT to make it more gender sensitive, and to ensure women's representativeness in the decision-making process.

F. WOMEN & ECONOMY

1. Overview

In the last two decades, economic development in Indonesia has grown rapidly, and the rising economic growth has put Indonesia in a new position as an emerging lower-middle income country, a member of G-20 and other achievements. For the last several years, during President Jokowi's administration, although economic growth has tended to stagnant at around 5%, economic experts still consider the figure as better than many other countries that have been seriously hit by the impacts of today's sluggish global economy.⁴³ Indonesia's GDP per capita has been increasing, from \$807 in 2000 to \$3,877 in 2018. Such economic growth has lowered poverty rate from 23% in the 2000s, to around 11% in 2016, and the last figure fell further to 9.4% (or approximately 25 million people) in 2019.

In 2017, Indonesia's Human Development Index (HDI) was 0.694, putting the country into the 116th rank of 189 countries, and under the medium human development (HD) category. Indonesia's women HDI in 2017 was 0.666, compared to 0.715 for men, resulting in a GDI value of 0.932. On the other hand, Indonesia's 2017 gender inequality

⁴³ The BPS reported Indonesia's growth for the following consecutive years: 5.02% (2014), 4.88% (2015), 5.03% (2016), 5.07% (2017), and 5.17% (2018)

index (GII) score was 0.453, ranking it 104 out of 160 countries, and putting it under the medium HD category. This means Indonesia still has a long and hard way to go to achieve equality, since its score has not even been in the middle.

Indonesia's economic planning follows its 20-year of development plan, from 2005 to 2025. This development plan is divided into 5-year medium term plans that are called the National Medium-Term Development Plan (Rencana Pembangunan Jangka Menengah Nasional/RPJMN), with each plan has different development priorities. This government's economic planning should also be in line with the economic and women's issues mandated in the SDGs, specifically in the 8th goal: promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. The 8th goal also holds a very important role in ending all forms of poverty (goal no. 1), ending hunger and achieve food security, and sustainable agriculture (goal no. 2), ensuring healthy lives and promote well-being for all at all ages (goal no. 3).

2. Progress and Achievements

Goal No. 1. To promote the economic rights and independence of women, including their access to employment, decent working condition, and their control over economic resources

1. Indonesia has ratified the International Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) by passing Law No. 7/1984. Nevertheless, Indonesia remains weak in terms of regulations and protection for women workers. The country has not had any national law that protect both formal and informal workers from violence, discrimination and harassment in the working place since the recruitment process, the transportation to the workplace, at the workplace, and the termination of employment. Therefore, CSOs have been asking the Government to ratify and adopt the ILO Convention No. 190 on "Elimination of Violence and Harassment against Men and Women in the Working World", and ratify the ILO Convention No. 189 on "Decent Work for Domestic Workers (Pekerja Rumah Tangga/PRT)" and pass the Bill on Protection of Domestic Workers that CSOs has been pushed since 2004.
2. Concerning Indonesian migrant workers (Pekerja Migran Indonesia/PMI), the country has amended the Law on protection for the PMI with Law No. 18/2017 on Protection of Indonesian migrant workers and other policies regarding the PMI. But implementation of the Law and various related policies remains weak, and this situation seriously calls for advocacy of enforcement of the law and supervision of its enforcement. There are still many cases of violence against the PMI. From 2015 to 2017, the Indonesian Migrant Workers Union (SBMI) received 1,500 complaints on cases of migrant workers from various countries. About 70% of the cases involved women's migrant workers who worked in domestic sector and suffered from: non-payment of salaries, termination of employment, physical violence that caused permanent disability, abuse, sexual harassment, even ones that led to their death. Indeed, there are further threats, such as facing risks of becoming victims of human trafficking, drug trafficking, and other transnational crimes.⁴⁴ One among the provinces with the highest number of PMI who died at work is East Nusa Tenggara (NTT). Reports of NGO PADMA and the NTT chapter of SBMI said that there were 104 PMI from NTT who died in 2018, and during

⁴⁴ <http://sbmi.or.id/2018/12/sbmi-buruh-migran-perempuan-posisi-paling-rentan/>

the January – August 2019 period, NTT received the return of 74 PMI bodies and most of them worked in Malaysia. The very high mortality rate of PMI in Malaysia also indicates a lack of protection for PMI, both from the Indonesian and Malaysian governments.

3. In the employment sector of digital economy, there is still a lack of regulation and protection. The Trade Union of Media and Creative Industry Workers for Democracy (SINDIKASI) reported many vulnerabilities in digital economy work. In line with the rising of Industrial Revolution 4.0, flexibility is often considered as a special feature of working relationship that gives workers freedom to set their own working hours and workplace. This type of freelance work has become a trend, especially among the youth to do their business in digital economy sector. However, this freelance working relationship has weaknesses and vulnerabilities, particularly due to the absence of law for protecting the workers, including the lack of written employment contract, welfare issues – delay in payment of wages. Freelancers also did not receive other rights attached to Law on Labor, such as the rights to receive religious holiday allowance (THR), menstruation leave, maternal leave, workers social security (BPJS Ketenagakerjaan), the right to overtime pay, et cetera.
4. Women's work in rural sectors (agricultural, plantation, coastal areas, around the forests) and informal/domestic sectors (domestic workers, female home-based workers) has yet to have any protection and regulation. These women also experience discrimination in terms of wages, no social security, exploitation, lack of access to various government subsidies and banking services, and lack access to information and technology. These women also experience double burdens for paid and unpaid works for taking care of the family.
5. Another issue, child labor needs serious attention from the government. Currently, there are still around 1.2 million (in 2018) of Indonesian children who become child labor. Although the number is decreasing, but the issue of child labor constitutes a serious challenge to the government's commitment to end child labor by 2022. Among the 1.2 million child labors, some of them are girls. Many underage girls work in the agricultural sector, urban cities as shopkeepers, food sellers, even as child domestic workers. Poverty continues to be the main reason why these children became child labor; and their education level is also very low.⁴⁵

Goal No. 2. To facilitate women to have equal access to the resources, employments, markets, and trade

1. During the last decade, the Government has been successful in increasing Indonesia's economic growth. However, economic gap in the country, between the rich and the poor, is still relatively high. Development has yet to take place across all areas. It has centered mainly on Java Island and the western region of Indonesia; on the other hand, development in the eastern part of the country tends to be slow. The enclave of poverty and underdeveloped areas (based on the HDI, poverty rate, access to education and health, stunting rate, maternal mortality ratio) are mainly located in the eastern region of Indonesia (Papua, NTT, Maluku, NTB, South Sulawesi, parts of Kalimantan). Thus, it is clear that access to economic resources remains unequal.
2. Many women who live in natural resources areas and nearby locations, such as the ones close to mining locations, large plantations, energy project locations, etc., have lost their living space or getting smaller, and find it difficult to maintain their source of livelihood. This has made them suffer financial hardship. Some of them were even criminalised because they were considered to disrupt the investment there. For example, women in Ogan Ilir who had to fight

⁴⁵ Roadmap towards a Child-Labor Free Indonesia in 2022, Manpower Minister of the Republic of Indonesia, Jakarta 20

for decades to take back their lands that had been seized by state-owned plantation company PTPN VII Cinta Manis; women in Seko, South Sulawesi, who suffered violence from the military forces when they were fighting for their lands occupied by Hydropower Plant PLTA Seko Power Prima; or women and children in palm plantation areas affected by environmental destruction issues.

Goal No. 3. To provide business services, training, and access to markets, information and technology, especially to low-income women

1. One important effort that Indonesia has made to improve welfare, alleviate poverty, and develop local economy, especially of rural communities, is the passing of Law No. 6/2014 on Villages, including the village fund. Since the village fund was set up, the Central Government has disbursed a total of IDR 187 trillion during a three-year period of 2015-2018, and the budget is getting higher. There are also regulations and policies that play an influential role in the lives of women in villages, because the Village Law provides some chances to villages to have more freedom in managing their governance according to their authority and in a way to empower villagers, both female and male. The Village Law comprises many principles for village management: recognition, diversity, participation, equality and empowerment. Those principles constitute some foundations for inclusive village developments, including the values of justice and gender equality (also the needs of minority groups: indigenous, religious, youth and disabled groups) through political participations and empowerments. Through the law, women in villages have enjoyed larger participation in village development process, from planning to implementation. Women may also put forward their interests, in order to be accommodated in village development planning.⁴⁶
2. Currently women also take in creative industry, although they are still on a micro scale. Creative economy businesses led by women still have problems in increasing their business size. Although the data shows that Indonesian women continue to dominate in the creative economy, data from the Indonesian Creative Economy Agency (Bekraf) and the Central Bureau of Statistics (BPS) 2011-2016 stated that the proportion of female workers compared to men continues to increase. The participation of women in the creative economy initially was 52.33% (7.03 million) of the total creative workers in 2011, then increased to 55.74% (9.42 million) in 2016.

Goal No. 4. To strengthen the economic capacity of women and their commercial networks

1. In recent years, President Jokowi's administration has launched a number of women's economic empowerment programs based on the gender mainstreaming concept, particularly for Small and Medium Enterprises (SME). Those policies include: Ultra-Micro Financing (UMi) and Permodalan Nasional Madani's Prosperous Family Economic Development (PNM Mekaar) program, expansion of People's Business Credit / *Kredit Usaha Rakyat* (KUR) program, certification and standardisation of Cooperatives and SME / *Kredit Usaha Kecil dan Menengah* (KUKM) products (this is related to intellectual property rights), Ultra-micro Loans / *Kredit Ultra-micro* (KUMi), import facility for export-oriented products / *Kemudahan Impor untuk Tujuan Ekspor* (KITE), cooperative's legal assistance for small and micro businesses, facility for Small and Micro Enterprise Business Permits / *Izin Usaha Mikro Kecil* (IUMK), human resources capacity building through entrepreneurship development, and revolving

⁴⁶ <http://lingkar-desa.com/2018/10/26/membangun-ruang-partisipasi-perempuan-dalam-pembangunan-des/>

credit facility for Micro, Small and Medium Enterprises (MSME).⁴⁷ Until 2018, the number of poor women targeted by this program was 4,057,000 people, with a budget of IDR 7 trillion allocated to the UMI program. To reach more women, the offered program focused on home industries.⁴⁸

2. Those various policies and programs made by the Government will only deliver maximum results for women if they receive some supports in their business, particularly in marketing, because they are not able to compete with larger companies in the market. Therefore, the Government is expected to launch entrepreneurship training programs. On the other hand, the growing number of women entrepreneurs is more concentrated in informal and home-based industry sectors that still face a lack of regulations and protection.
3. Civil society organisations also have a long history in economic empowerment for women's groups at the grassroots level, using various methods or approaches. The Female Heads of Households (PEKKA)⁴⁹ Foundation, since 2001, has developed economic empowerment for women head of households. The PEKKA (Women's Head of Household) Foundation, since 2001, has developed economic empowerment for female heads of household. PEKKA develops the economic concept of "Community-based self-help economy", which is managed collectively, by utilizing the potential and resources in the vicinity to improve the welfare of local communities with the Savings and Loans Group and Community-Based Financial Institution (LKM-SISKOM) system with a cooperative system, PEKKA-MART, and Community Based Travel (CBT).
4. The remittance from Indonesian migrant workers (PMI) are recognized as having positive impacts in increasing state revenues, including PMI sending villages. In 2018, the Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI) reported that there were around 6 million of Indonesian Migrant Workers, but the World Bank stated a higher figure, i.e. around 9 million. Out of those 9 million PMI, more than 30% are women PMI, and most of them work as domestic workers. Those workers have contributed foreign exchange worth of IDR 70 trillion to the state finances. The remittances have successfully helped the sending village to grow its economy. Over the past 5-10 years the use of remittances has progressed, from what was originally consumptive shifted towards productive economic ventures, including to buy rice fields and livestock, to start business, etc. In addition to economic values, there are also many success stories, that upon return to their village, the PMI were able to build their villages and some even became village head women.

Goal No. 5. To eliminate occupational segregation and any form of employment discrimination

1. The issues of job segregation and all forms of discrimination in employment are still strong, for example, about certain types of jobs continue to be dominated by men or women. Women still dominate work in the informal and domestic sectors, such as home-based workers, home industries, domestic workers, as well as jobs that still related to the stereotypes of women's typical jobs, such as nurses, teachers.
2. Discrimination also persists in the remuneration system. Although the amount of wage for women is relatively increasing, the average wage for women workers is only about 79% of male workers. The gender pay gap is 34% in the formal sector and 50% in the informal sector.⁵⁰ Based on data from the Central Bureau of Statistics (BPS), there are still more women who receive relatively lower monthly wages than men. For example, those who work

⁴⁷ <https://www.kemenpppa.go.id/index.php/page/read/29/1727/3>

⁴⁸ Source: <https://www.kemenpppa.go.id/index.php/page/read/29/1727/3>

⁴⁹ "PEKKA's 15-Year Report," published by PEKKA, Jakarta, 2016.

⁵⁰ The National Development Planning Agency (Bappenas), 2018

in trade sector, at restaurants or hotels (IDR 2.26 million per month), and in agricultural sector (IDR 1.77 million per month). This has also led to an even bigger income gap today, between male and female workers. Previously in 2016, the average gap was IDR 370,000 per month, to an average of IDR 690,000 per month.⁵¹

3. There are workers who are vulnerable to discrimination, such as: young workers, domestic workers, home-based workers, migrant workers, disabled workers, sex workers, LGBTI workers, workers with HIV, workers from indigenous and tribal communities, elderly workers, media workers and creative industry workers.

Goal No. 6. To promote harmonized work and family responsibilities for women and men

1. Data from the Central Bureau of Statistics (BPS) in 2018 shows that 51.88% of Indonesian women aged 15 and over participate in the workforce (whether they are working or seeking for jobs).⁵² This figure was far below of men in the range of 82.69% (2018).⁵³ The biggest obstacles preventing women from working are 'mindset' and cultural reasons. There is still a strong view that 'work' for women is based on needs, not on the principle of equality, for example on the right to work for men and women; there is also a very strong cultural perception—that women must stay at home to take care of the house, so there is no demand for women to work. If there are conditions for women to work because of economic needs, they must compromise by taking jobs that they can do at the same time while they are taking care of families.
2. In addition to the wage issues, there are also problems of lacking facilities to support women workers who have children under five, such as affordable daycare for women workers with minimum wage standard. Their rights as women workers, including maternal or menstruation leave, facilities and job security for women, are still often ignored and violated. Sexual harassment continues to happen at workplace as well.
3. The rising of religious fundamentalism with narrow-minded interpretation, has not only succeeded in domesticating women once again, but it has also internalized into the state system and produced various discriminatory policies against women. Those discriminatory policies consider women as objects, so that it has impacts on more discrimination that disrespect women, shrink women's space, and impoverish them economically.

3. Emerging Priorities

- 3.1. To reduce gender inequality, the low participation of women in employment, poverty reduction in women's groups, and the strengthening of women's economy, CSOs need to strictly monitor the implementation of various programs established by the government. CSOs also still need to strengthen the capacity of women at the grassroots to increase their bargaining position in the development process in their regions so that women's economic enterprises can be sustainable.
- 3.2. The implementation of the Law on Villages and the use of village funds should be continuously monitored and evaluated. Although the Village Law gives women larger spaces and roles to participate in the decision-making process, but the challenges are still very big, such as: the patriarchal culture, the hierarchy and clans in the village, illiteracy,

⁵¹ The Central Bureau of Statistics, 2018

⁵² The Central Bureau of Statistics, 2018.

⁵³ "Briefing note for countries on the 2018 Statistical Update Indonesia, UNDP Report", diunduh dari: http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/IDN.pdf

inadequate information, etc. Another thing to be criticized is a tendency to leave behind vulnerable groups in the community, such as: women, children, the elderly, the disabled, and LGBTQ groups in village development from planning to implementation, or not sensitive to the needs of these vulnerable groups.

- 3.3. The protection of PMI in the future still has major obstacles, considering Indonesia's political bargaining and diplomacy is still relatively weak, so that many human rights violations against women migrant workers continue to occur, especially in Saudi Arabia and Malaysia. Meanwhile, protection and law/regulation enforcement related to prospective PMI still needs to be improved as well, considering there are still many cases of trafficking of women against prospective PMI.
- 3.4. The focus of the Government of Indonesia in the future, related to "increased competitiveness and human resource competition" to compete with other countries, must be criticized given that gender inequality in Indonesia is still high. This competition will give women more burden if women's reproductive roles are not valued and their burdens and responsibilities in the domestic sphere are not shared. Women are not going to win this competition if women are still in an unequal relation in power and capital, as well as access to resources.
- 3.5. Related to the open and quite massive of investment policies, the live of families, particularly women and children, is potential to become victims to these policies, because they are powerless in facing big companies that are even backed up by the Government. Many drafts of law are in favor of large companies/investors, such as bills on Water Resources, on Mineral and Coal, and on Palm Oil, on the revision of Employment Law, and the latest draft on Land Bill. Those bills have potential to damage, limit, and eliminate the community's living space, and in the other side they will give more spaces and protections to investors. The CSOs should work even harder in their advocacy work.
- 3.6. The women's role should be highlighted in the Industrial Revolution 4.0 discourse, since science, technology, engineering, and mathematics are male-dominated fields. The lack of technology insights of Indonesian women might make women not getting any place in strategic plans concerning Industrial Revolution 4.0.
- 3.7. One promising trend shows young women's growing inclination to participate in the workforce, especially those with better education who live in urban areas. Creative industry is also a favorite sector for this community of young workers.

4. Recommendations

- The Government needs to issue regulations that shall protect women workers, ensure them not to be discriminated, and give them equality of access and opportunities in employment, access to banking services, capacity building training, and other economic resources.
- The government needs to design development policies and programs that are in favor of women and other vulnerable groups, as they have limited access and opportunities to economic resources.
- The CSOs need to continue out their advocacy works, especially related to the regulations that threaten the lives of women and other vulnerable groups, and also to increase the capacity of women at the grassroots level.

Annexes

CEDAW

ILO Convention No. 190 on "Elimination of Violence and Harassment against Men and Women in the Working World"

ILO Convention No. 189 on “Decent Work for Domestic Workers (PRT)”
Law No. 18/2017 on Protection of Indonesian Migrant Workers
Law No. 6/2014 on Villages

G. WOMEN IN POWER & DECISION-MAKING

1. Introduction

Indonesia has participated in a number of international agreements that aim to promote gender equality and women’s empowerment. The CEDAW Declaration in 1981 on the Elimination of All Forms of Discrimination Against Women was ratified by the Indonesian Government in 1984. Next, Indonesia joined the Beijing Declaration and Platform for Action in 1985, the establishment of the Millennium Development Goals (MDGs) in 2000 and the Sustainable Development Goals (SDGs) in 2015. The implementing policies that the government has issued include the Law No. 39/1999 on Human Rights and Presidential Instruction (Inpres) No. 9/2000 on Gender Mainstreaming in National Development. Furthermore, in the 2015 – 2019 National Medium-Term Development Plan’s policy for political and democracy sector, it was explicitly stated that one of the objectives was to increase women’s representation in politics.⁵⁴

Women’s representation in power and decision-making discussed in this chapter is the value of their representation at the national and local legislative bodies, the political party board at the national level, the ministerial bureaucracy at the national level, and leadership at local government.

Affirmative policy since 2003 was formulated as suggestions for political parties to increase women’s representation in politics. A mandatory affirmative policy was only passed in 2014 Election through the Decree of the National Election Commission on the Candidacy Process by Political Parties for Legislative Elections. Reflecting on more than 15 years since the first affirmative policy for women in the legislature was put in place, apparently technical regulations issued by the National Election Commission has been more effective in pushing for the increase of women’s representation, compared to the “suggestions” to do so in the national regulation.

In this review, women’s representation in political parties is focused in party board at the national level. Affirmative policy for women in political parties was first regulated in 2003 and it requested political parties to consider gender equality and gender justice when selecting their national boards. This regulation would later be strengthened in the Law on Political Parties of 2008 and 2011, by adding a stipulation that women shall make up a minimum of 30% of members of the party board at all levels and in the processes of recruitment and political education. This regulation is seen to be more of an appeal than obligatory and subject to a political party’s internal regulations.

In the sphere of local government leadership – which includes the positions of regional heads and deputy heads of local governments – at provincial as well as district/city levels, political parties play a strategic role in recruitment and nomination of candidates. The law allows individuals to run as independent candidates in local elections under a series of strict conditions. Thus, the number of independent candidates is very low, since most candidates are nominated by political

⁵⁴ See Kementerian Bappenas (2017), “Evaluasi Paruh Waktu RPJMN 2015 -2019”. This publication can be accessed online through the following link:
https://www.bappenas.go.id/files/publikasi_utama/Evaluasi%20Paruh%20Waktu%20RPJMN%202015-2019.pdf

parties. Direct elections of heads of local government (pilkada) in Indonesia is one of the results of the second amendment to the Indonesian Constitution in August 2000 and was applied for the first time in 2005. Until 2018, there have been 11 rounds of pilkada and the last three rounds (2015, 2017 and 2018) were held simultaneously in areas whose leaders have finished their terms in those respective years. Data showed that in general, the number of female candidates for the positions of heads and deputy heads of local governments were much lower than that of male candidates.

Other than women's representation in the formal political domain, this report also conveys women's participation in decision-making forums at the local level, i.e. villages. The Law on Villages No. 6/2014 has started the more participatory decision-making process that targets the inclusive involvement of village residents. But in practice, more often than not, women are still excluded from that process, due to the decades-old practice that overlooked the participation of marginalized groups, including women. For the last few years, a number of civil society initiatives have been implemented to promote women's participation at the village level. The inclusion of women's voice in village meetings aims to take women's interest into the decision making process that includes planning of development programs and budgeting at the village level.

2. Strategic Objectives

- a. To take steps to ensure women's access to, and their full participation in authority structure and decision-making process.
- b. To build women's capacity in participating in a decision-making process and leadership

3. Achievements and Progress

3. A. Women in National and Local Legislative Institutions

Legislative institutions at the national level consist of the House of Representatives of the Republic of Indonesia (DPR RI) and the Regional Representatives Council of the Republic of Indonesia (DPD RI). The DPR RI is a representative institution on the basis of partisan interest, with all of its members are from political parties. In accordance with the Law No. 17/ 2017 on General Elections, the 2019 General Election was conducted to elect 575 members of DPR RI. The DPD RI is a representative institution based on provincial interest; each of the 34 provinces in Indonesia is represented by 4 members of the DPD RI. Candidates of DPD RI members are non-partisan individuals, and those elected are four candidates with the highest votes in their own provinces. The 2019 General Election was held to elect 136 members of DPD.

Political parties constitute the only recruitment channel for candidates of political positions, such as DPR RI members, president, and the main channel for heads of local governments candidacy. The representation of women in political party boards holds strategic significance, because it gives women access to influence important decisions in political parties, especially in the nomination process. Political party board at the national level possesses an immense power in selecting candidates for DPR RI members, president and vice president candidates, and heads and deputy heads of local governments.

Indonesia applied an affirmative policy for the first time in Law on General Elections (UU Pemilu) No. 12/2003 that included a recommendation to political parties to see that women make up 30%

of their list of candidates. This policy was later strengthened in the Election Law for the 2009 General Election; the law added a stipulation that states there should be a minimum of one woman within every three candidates submitted by a political party.

As the 2014 General Election drew near, the General Elections Commission (KPU) issued a KPU Regulation (PKPU) that required political parties to ensure that at least 30% of the candidates on their lists are women, by placing one woman among the three candidates named for each electoral district (dapil). If a political party did not meet this stipulation at a certain district, it would not be able to participate in the general election at the respective district. At the end, all of the 12 political parties that participated in the 2014 General Election fulfilled the 30% quota for female candidates on their list of legislative candidates, something that was not achieved in the legislative nomination in the 2004 and 2009 General Elections.

For the 2019 General Election, the KPU once again issued a PKPU that maintained the requirement for political parties to ensure that at least 30% of the candidates on their list for each district are women, by placing one woman among the three candidates that they submit. The sanction for any political party that is not able to comply to this stipulation is disqualification from the general election at the said district. Again, this stipulation proved to be effective and it was obeyed by all of the 16 political parties that participated in the legislative election; female candidates made up more than 30% of the total candidates put on the candidates list submitted by each political party.

Below is data on the number and percentage of DPR RI members since affirmative policy have been included in the General Elections Law:

General Elections	Total Number of DPR RI Members	Total Number of Female DPR RI Members	Percentage of Female Members
2004	550	61	11.09
2009	560	100	17.86
2014	560	97	17.32
2019	575	117*	20.35

Source: Cakra Wikara Indonesia (CWI)

*Data before announcement of the Settlement Results of General Election Dispute⁵⁵.

Data on the table above shows that during the period of 2004 – 2019, women’s representation at the DPR RI has been increasing, from 11.09% in the 2004 General Election to 17.86% in the 2009 General Election. Although the figure stagnated in the 2014 General Election, when women’s representation was at 17%, results of the 2019 General Election show a significant increase in women’s representation to 20.35%.

Below is **data on the number & percentage of women at the Regional Representatives Council (DPD RI):**

⁵⁵ On 31 August 2019, the Indonesian Democratic Part of Struggle (PDI Perjuangan) made a statement at the Open Plenary Meeting on Designation of Names of Elected Legislative Candidates of the DPR RI that was held by the KPU, that in connection with a party’s internal problem, there had been a change in allocation of the seats for PDI Perjuangan’s elected legislative candidates at the Dapil of West Kalimantan 1. Thus, the number of female legislative candidates appointed by the KPU became 118. This report maintained the total number at 117, to refer to the number of elected female legislative candidates based on the results of the 2019 General Elections.

General Elections	Number of Provinces	Total Number of Elected DPD Members	Number of Female DPD RI Members	Percentage of Female Members
2004	32	128	27	21.09
2009	33	132	35	26.52
2014	33	132	34	27.76
2019	34	136	42	30.88

Source: The KPU RI, processed by Cakra Wikara Indonesia (CWI)

The table above shows that women's representation at the Regional Representatives Council (DPD) has been increasing since 2004, although it decreased in 2014, but it significantly went up again in 2019 to 30.88%. It should be noted that there is no affirmative policy in place for the nomination process of DPD RI members. Even though the overall percentage of women's representation at the DPD RI seems to have improved, there are yet provinces that failed to elect women into the DPD in the 3 out of 4 election cycles, including Aceh, Bali, South Kalimantan and South Sulawesi.

Women's representation at local legislative bodies shows a better achievement compared to that at the national level. Data on local legislative bodies is available from 2009 onwards. The outcome of the 2009 General Election showed that the average percentage of women's representation at Provincial-level Local Legislative Council (DPRD) and District/City-level DPRD stood at 16% and 12% respectively. The highest percentages were found at Maluku Provincial DPRD (31%) and Gowa City DPRD (42%). The next general election reported that the average percentage of women's representation tended to be the same as before at Provincial level and increase at District/City level. Results of the 2014 General Election showed similar result at the provincial level with the percentage of women's representation was still 16%. However the number climbed to 14% at District/City level DPRD. North Sulawesi Provincial DPRD reached the highest percentage (31.1%), together with Minahasa District/City DPRD (42.86%).

3. B. Women in Political Party Board at the National Level

The number of women in political party board at the national level had been rising between the years of 2003 and 2014. However, there are only a few women who hold strategic leadership positions in party boards. Clauses concerning affirmative policy for women in party board can be found in three laws on political parties: Law No. 31/2002, Law No. 2/2008, and Law No. 2/2011. The affirmative stipulation includes a call for a 30% quota for women in the process of a party's formation, in the formation of party board at the national level, and recruitment process for DPR and DPRD candidacy.

Data on the number of women in political parties' national party boards was collected from the official Decrees (SK) of the Ministry of Law and Human Rights that legalized the Party Board at the National Level (DPP) for the general elections in 2004, 2009, and 2014. Specifically, data was collected from political parties that gained seats in the DPR RI for at least two terms of office. The following three tables display the dynamic figures of women's representation in party board at the national level (DPP):

Data on Political Parties' National Party Board for the 2004 General Election

No.	Political Parties	Total of Board Members	Number of Male Board Members	% of Male Board Members	Number of Female Board Members	% of Female Board Members
1	PDIP	17	13	76.47	4	23.53
2	Golkar	94	82	87.23	12	12.77
3	PKB	60	55	91.67	5	8.33
4	PPP	74	70	94.59	4	5.41
5	PAN	28	26	92.86	2	7.14
7	PKS	26	23	88.46	3	11.54
8	Demokrat	56	49	87.50	7	12.50
Total		355	318	89.58	37	10.42

Data on Political Parties' National Party Board for the 2009 General Election

No.	Political Parties	Total DPP Members	Number of Committee's Male Members	% of Committee's Male Members	Number of Committee's Female Members	% of Committee's Female Members
1	PDIP	27	24	88.89	3	11.11
2	Golkar	109	100	91.74	9	8.26
3	PKB	61	56	91.80	5	8.20
4	PPP	76	68	89.47	8	10.53
5	PAN	84	73	86.90	11	13.10
6	PKS	57	51	89.47	6	10.53
7	Demokrat	37	34	91.89	3	8.11
8	Hanura	145	104	71.72	41	28.28
9	Gerindra	127	104	81.89	23	18.11
Total		723	614	84.92	109	15.08

Data on Political Parties' National Party Board for the 2014 General Election

No.	Political Parties	Total DPP Members	Number of Committee's Male Members	% of Committee's Male Members	Number of Committee's Female Members	% of Committee's Female Members
1	PDIP	27	23	85.19	4	14.81
2	Golkar	276	198	71.74	78	28.26
3	PKB	66	51	77.27	15	22.73
4	PPP	70	53	75.71	17	24.29
5	PAN	95	75	78.95	20	21.05
6	PKS	50	36	72.00	14	28.00
7	Demokrat	191	117	61.26	74	38.74
8	Hanura	81	54	66.67	27	33.33
9	Gerindra	454	331	72.91	122	26.87
Total		1,310	938	71.60	371	28.32

The three tables above confirm that since affirmative policy was incorporated into Law No. 31/2003 on Political Parties, women's representation in political parties' boards at the national level has gradually increased. Just before the 2004 general election, PDIP was listed as the party with the highest number of female members within its national board. Before the 2009 general election, it was Hanura that topped the list. For the 2014 general election, it was Demokrat that sat on top of the list. The data also showed that women's representation in political parties' national party board in 2018 exceeded 30% in two political parties: Demokrat and Hanura. The increase of the average percentage of women's representation in the parties' national boards was significant: from around 10% nearing the 2009 election, to approximately 15% nearing the next round of election, and the figure rose further to about 28% just before the 2014 general election.

The percentage gained before the 2014 general election was a result of a stipulation in the Law on General Election and KPU Regulation that require political parties to meet the 30% quota for women in their DPP committees, in order to qualify to compete in the election. For this requirement, a political party should officially submit a decree that list members of their national party board during the registration period of election participants. This requirement was maintained in the General Election Law and KPU Regulation for the 2019 General Election, so the average women's representation in the national board of all political parties that participated in that election exceeded 30%.

However, the data showed that most female members of political parties' boards at the national level were assigned in non-strategic positions or in departments / sections typically associated with women's affairs. Until the 2014 General Election, there had been only one political party whose chair is a woman. Prior to the 2019 General Election, there was one political party (out of 16 political parties that participated in the election) that had a female leader. No woman has ever become the general secretary of a political party. Very few women have been appointed as coordinators / heads of recruitment, internal education and nomination / candidacy. This is unfortunate for women because important decisions within political parties, which includes the candidacy / nomination process, are made by persons in these strategic positions.

3.C. Women in Executive Bodies: Ministerial Bureaucracy at the national level

Law No. 5/2014 on State Civil Servants (ASN) has made efforts towards changes in the management of the ASN by adopting the merit system. Paragraph 2 of article 1 of the law states that the principle of the merit system shall mean the just and fair management of the ASN on the basis of qualifications, competence and performance, without any discrimination against political backgrounds, race, skin color, religion, origin, gender, marriage status, age and disability conditions. There is no special clause concerning with affirmative action for women's representation in this particular law.

Women's representation in the bureaucracy, especially at high-echelon levels at the national ministries, is needed not only in the context of fair opportunities and access, but also in to guarantee the implementation of bureaucracy roles and functions necessary for the process of producing, monitoring, and execution of national regulations, especially those related to issues of welfare such as education, health and safety and security of vulnerable groups.

Women's representation in the bureaucracy is essential, up to the highest level, in order to promote elimination of discrimination against women, boost the promotion opportunities for women in the bureaucracy, to uphold the spirit of substantive affirmative action based on equal

distribution of access and benefits, and to ensure that women are fully integrated into the development processes.

Data presented here is the number of civil servants for 2014 – 2018 period at 34 national ministries, including agencies that are directly below them, but excluding the bureaucracy structure under local governments. The data was limited to the 2014 - 2018 period, for the purpose of in-depth review of the latest data, based on Law No. 5 / 2014, which is the highest policy as the reference in the process of recruitment and promotion in the Indonesian bureaucracy. This data was obtained from the National Civil Servants Agency of the Republic of Indonesia (BKN RI) in 2019 then it was processed by Cakra Wikara Indonesia (CWI).

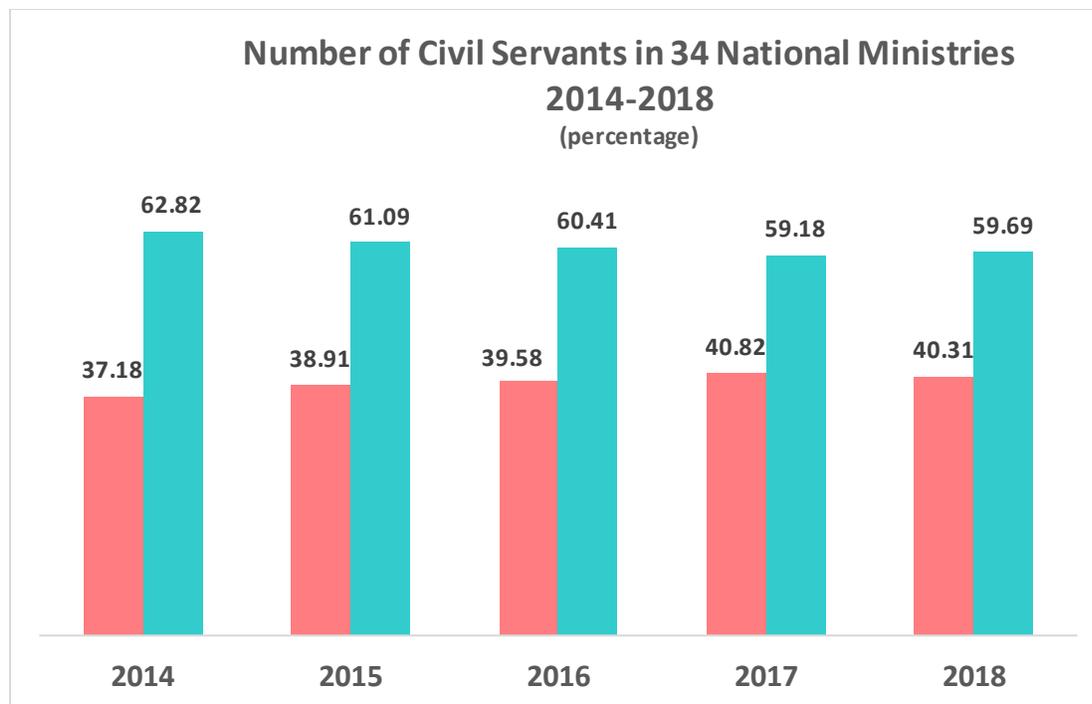
In general, the data showed that the number of women civil servants is often less than that of men, but the number of women slowly rose between 2014 and 2018. The gap between the number of female civil servants and that of male civil servants is even more obvious among the higher echelons of the government, starting from the third echelon level. Echelon constitutes structural position levels that have the authority to formulate and allocate budgets. In Law No. 5/ 2014, the term 'echelon' was removed and replaced by equivalent terms as follows:

Echelon Levels	ASN Positions as specified by Law No. 5/ 2014
Echelon 1a, only for heads of non-ministerial government institutions	JPT Utama (top-level senior leaders)
Echelon 1a and Echelon 1b	JPT Madya (mid-level senior leaders)
Echelon 2	JPT Pratama (first-level senior leaders)
Echelon 3	Jabatan Administrasi (Administrator Positions)
Echelon 4	Jabatan Pengawas (Supervisor Positions)
Echelon 5	Jabatan Pelaksana (General Functional Positions)

For this review, the term 'echelon' was used to make the description easier to understand.

Overall, total number of female PNS at 34 ministries had increased during the 2014 – 2018 period. Its percentage gradually rose as well, from 37.18% in 2014 to 40.31% in 2018, as shown in the following data:

**Number of Civil Servants at 34 Ministries, 2014 – 2018
(in percentage)**



Red: female civil servants; blue: male civil servants

Source of data : The National Civil Servants Agency of the Republic of Indonesia, processed by Cakra Wikara Indonesia

The data also showed that the Ministry of Health consistently had the highest percentage of female civil servants for the 2014-2017 period, between 50% to 60% of its total civil servants. For 2018, it was the Ministry of Women’s Empowerment and Child Protection (KPPPA) that had the highest percentage of female civil servants (63.26%). The lowest percentage of female PNS was found at the Ministry of Transportation where it had stayed within the range of 20% for the 2014-2018 period.

Male civil servants still dominated the appointment for upper echelon positions. In general, there is huge disparity between the number of female civil servants and that of their male counterparts in the 34 ministries and this is marked by the low percentage of female civil servants who hold echelon positions, that never exceeded 26%. This figure not only indicates a sharp inequality between the number of male and female civil servants that hold echelon positions, but also shows the low representation of female civil servants compared to the average percentage of female civil servants population that stood at 39%.

3.D. Women in Local Governments Leadership: Heads and Deputy Heads of Local Governments

The law that administered direct elections of local governments (pilkada), heretofore will be called local elections, was first introduced in 2004 and it was amended several times, with the last amendment made in 2015. During the period of 2005 – 2018, 11 rounds of cycles of 11 pilkada had been held. Between 2005 and 2013, local elections were held in several phases in each area. From 2015 to 2018, they were held simultaneously in all areas scheduled for transfer of leadership, including the 2015, 2017 and 2018 local elections.

Requirements to compete in local elections includes a minimum percentage of seats won in the local legislative body (DPRD) — with the threshold varies from one year to the next. Currently, based on Law No. 10/2016, a ticket of head and deputy head of local government candidates can be nominated by a political party or a coalition of political parties that have a total of at least 20% of DPRD seats, or have accumulated 25% of the valid votes from the last election of local legislature.

There is no formal policy that directly hinder women’s nomination in pilkada, but political parties’ selection process for candidates of heads and deputy heads of local governments plays an important role in the efforts to raise women’s representation in local government leadership positions.

Below is data, which the CWI collected and processed further, concerning **women’s representation in Pilkada, from 2005 to 2018**:

Years of Pilkada	Total Number of Women Elected	Total Regions that Held Pilkada				Local Government Leadership Positions that Won by Women in Pilkada					
		Total	Prov.	Dist.	Cities	Gov	Dep. Gov	Reg.	Dep. reg.	Mayor	Dep. May.
2005	12	213	7	174	32	-		3	8	-	1
2006	7	78	7	60	11	1		3	2	-	1
2007	3	41	6	23	12	-		-	1	-	2
2008	3	154	12	107	35	-		1	-	1	1
2010	27	224	7	182	35	-		7	18	2	-
2011	5	87	5	71	11	1		1	2	-	1
2012	7	74	5	56	18	-		3	-	1	3
2013	16	150	14	103	33	-		3	7	5	1
2015	45	269	9	244	26	-		20	19	3	3
2017	13	101	7	76	18	-	1	8	1	2	1
2018	30	171	17	115	39	1	2	11	7	3	6

The table above shows the dynamic of women’s representation in local government leadership positions, as the results of 11 rounds of pilkada. Women won the least in elections at the provincial level and won the most at regency / district or city level. For the three simultaneous pilkada, data on nominations could be added for comparative purposes. The 2015 Pilkada saw 45 women won the election; a total of 1,646 candidates⁵⁶ participated in the election and 123 of them were women. The 2017 Pilkada saw 13 women won the election; a total of 620 candidates⁵⁷ competed in the election and 45 of them were women. In that election, a woman was elected as deputy governor for the first time, for the Province of West Sulawesi. The 2018 Pilkada witnessed 30 women elected as regional heads; a total of 1,136 candidates⁵⁸ participated in the election and 101 of them were women.

⁵⁶<http://perludem.org/2018/02/24/peluang-perempuan-jadi-kepala-daerah-tertutup-oleh-dominasi-kekuatan-modal-dan-elektabilitas/> diakses pada 13 Agustus 2019

⁵⁷ <https://pilkada2017.kpu.go.id/paslon/tahapPenetapan> accessed on 5 September 2019

⁵⁸ https://infopemilu.kpu.go.id/pilkada2018/paslon/tahapPenetapan#tab_default_2 accessed on 5 September 2019

In general, from the three direct general elections held in 2015, 2017 and 2018, one can see that the number of women candidates and the number of elected women is still very low compared to those of their male counterparts. And one needs to take a good look at a regulation on the mechanism for nominating candidates through political parties or independent channel. The collected data on the profiles of the women elected as regional heads and deputy heads in the last three cycles of regional election shows that familial ties to other political figures from the elite circle is still dominating the background profile of elected women candidates. In the context of a community still dominated by the culture of patriarchy such as Indonesia, familial / kinship ties in politics has presented a particular challenge to women politicians as it might interfere with their independence in exercising their authority and roles as local government leaders.

4. Actions Taken

In relation to the issue of women's representation in legislative institutions and political parties, below is a list of some actions and initiatives taken by both the Government and civil society:

- The General Elections Commission (KPU) issued a KPU Regulation for the 2014 and 2019 elections that required political parties to ensure that at least 30% of the candidates nominated for each district were women. The KPU would impose sanctions against any political party that failed to observe this regulation, by not allowing it to participate in the general election at the respective district.
- The Law on Election Management Bodies and later would be integrated into the Law on Election stipulate that the independent selection committee, which carries out the process of selecting candidates for election commission members and election committee workers, shall ensure that women make up a minimum of 30% of its personnel.
- Higher women's representation in legislative bodies and senior positions at ministries and state agencies has also been listed as one of the targets of the national development in the document of the National Medium-Term Development Plan (RPJMN) for the period of 2015-2019.
- Capacity-building training for female legislative candidates nominated by different political parties; this training is held by various civil society organisationorganisations.
- Local training for women who have the potential to be election committee workers at the local level, 2013.
- Training for potential women to participate in the selection process of the National Elections Commission members of the Republic of Indonesia, 2016.
- Training for civil society organisationorganisations on drafting policies that include gender perspectives, 2015.

Below is a list of some actions taken by both the Government and civil society in relation to the issue of women in the field of ministerial bureaucracy:

- Compilation of segregated data on state civil apparatus (ASN) by the National Civil Service Agency (BKN).
- Application of affirmative rules at ministries and state agencies. One of the agencies that has applied those rules is the State Administration Agency (LAN). In terms of training for civil servants (PNS), the LAN designed its training to be more flexible, in order not to make female civil servants leave their family for a relatively long time when attending these kinds of training. Moreover, facilities and infrastructure of training and education (diklat) agencies should be gender responsive. This is one of the indicators for assessing training and education agencies to get state accreditation.

- Further, efforts have been made at the Ministry level to facilitate women in dealing with the challenge of managing domestic chores and career work, by providing day care facilities at the offices of the ministries, so female civil servants can take care of their children during work at the office.
- Discussion forum between the civil society and officials from ministerial bureaucracy and the public about the importance of efforts to appoint more women to high-ranking leadership / echelons positions.

5. CHALLENGES AND OBSTACLES (EMERGING PRIORITIES AND CONSTRAINTS)

Affirmative policies on women's nomination in legislative general elections has been abused by political parties to reinforce their political power by placing women from the elite circle. The data from Cakra Wikara Indonesia shows that a number of women elected in the 2015, 2017 and 2018 local elections turned out to be relatives of other political figures⁵⁹. Moreover, in the 2014 General Election, out of 20 candidates with the highest number of votes at the national legislature, 7 of them turned out to be relatives of other political figures, including 2 women and 5 men⁶⁰. In the 2019 General Election, out of 20 candidates who gained the highest number of votes, 5 of them turned out to be relatives of other political figures and two of those five candidates were women⁶¹.

Thus, political parties take advantage of the affirmative policies on nomination of legislative candidates to nominate women from the elite circle and who are relatives of political figures. In Indonesian patriarchal society, female legislative members are powerless when negotiating with their male relatives who are part of the elite circle of a political party that do not support women's interests in legislation and budgeting process. Similarly, female heads of local governments who become the extension of power of their male relatives have limited autonomy in performing their duties and practicing their authority as local government leaders.

The next challenge for female politicians is the difficulty of gaining strategic positions within their party board, due to party misogynistic culture, which still see that women have limited political capacity and experience. A testimony from a female member of a political party's leadership committee revealed that it was very difficult for women to get strategic positions because of the gender-biased demands and standards that women members had to meet. Since 2003 (the year when affirmation was first included in the Law on Political Parties), there are only 11 women from 8 political parties who have held strategic positions in their party, including chairman, secretary general, general treasurer and head/coordinator of recruitment, political education and nomination⁶².

In the domain of bureaucracy, the challenge that women face is a lack of legal instruments that ensure women's participation. The Law of State Civil Apparatus (ASN) No. 5/2014, which serves

⁵⁹ See the data in a book titled *Menyoal Data Representasi Perempuan di Lima Ranah* by CWI (2018), which can be accessed from the following link <http://cakrawikara.id/publikasi/buku/>

⁶⁰ Data of the CWI; access the data from the following link <http://cakrawikara.id/2019/08/prospek-keterwakilan-perempuan-di-posisi-pimpinan-lembaga-legislatif-membaca-hasil-pe-milu-2019/>

⁶¹ Data of the CWI; access the data from the following link <http://cakrawikara.id/2019/08/prospek-keterwakilan-perempuan-di-posisi-pimpinan-lembaga-legislatif-membaca-hasil-pe-milu-2019/>

⁶² See article titled "To Achieve Real Representation, Women Need More Power in Political Parties" by Mia Novitasari and Julia Iksarana; access the article from the following link: <https://indonesiaatmelbourne.unimelb.edu.au/to-have-real-representation-women-need-more-power-in-political-parties/>

as the main instrument of the management of ASN, adopts a merit system that is not able to identify and remove invisible obstacles that women encounter in their efforts to gain high-ranking positions at ministerial bureaucracy. Affirmation in Law No. 5/2014 is “only” aimed at the disabled, areas with special autonomy, underdeveloped areas, border areas, conflict areas, remote areas and special regions.

The persisting disparity between the number of women and that of men that hold high-ranking leadership positions in the bureaucracy of national ministries shows that female civil servants still face invisible barriers or hit the glass ceiling that prevents them from further climbing the career ladder. The invisible barriers include the double burden performing their office work and household chores, and also damaging stereotypes against female civil servants.

Women at the Local Level

Women’s political participation is not only seen at the central (national) level of formal institutions, but also at the local level. Law No. 6/2014 on Villages has brought about the spirit that encourages participation of village residents, especially in development planning processes. However, it is not easy to ensure such participation, given that for decades, the public participation at the village level has been undermined to allow the elitist process of development planning. This situation has made village residents reluctant to participate in the decision making forums at the village level; among those who are being marginalized in this process are women’s groups.

Civil society organisationorganisations have implemented programs to encourage participation of community members, especially village women’s groups, to be involved in village development planning. Participation of women’s groups tends to have been overlooked, so women’s interests hardly become a priority and have yet to be accommodated in the development planning at the village level.

Capacity building programs held for women’s groups in the villages in Indonesia consists of a series of activities, including capacity strengthening on participation in the processes of village development planning and general governance; trainings on how to conduct a survey on the interests and needs of the locals; participation in village meetings to disseminate results of the survey and attending the development planning forum in the village (musrenbang) to present recommendations produced from the survey.

However, women’s groups still encounter a number of obstacles, including the stigma that women are not capable of taking part in village development planning. In addition, intimidation from men has made those groups reluctant to convey their opinions or offer suggestions in village forums. Another obstacle is the limited knowledge of women’s groups about village governance.

6. Recommendations

- To urge the Government to reinforce affirmative policies and efforts to empower women in Laws on Political Parties and concerning General Elections.
- To urge political parties to improve their mechanism for recruiting woman cadre/members, in a way that will expand the sources of recruitment, so they can get potential women from a wider range of backgrounds.
- To strengthen collaborations between female politicians and the broader women’s movement, in order to promote feminist agenda and strategies for putting an end to the enormous

inequality in the power relations, in terms of appointing candidates for strategic positions and decision-making process in political parties and legislative institutions.

- To encourage the Government to issue policies and programs that help eliminate obstacles that women face when going through the job promotion process in the ministerial bureaucracy.
- Considering the experience of various women's groups in their involvement in the village development, organizing and educating local residents become important factors for the growth of political participation at the village level. Moreover, women need to be encouraged to join the forums of strategic decision-making in the village. When women work together, they can present their interests that have been overlooked so far in those kinds of forum. In addition, both village governments and the higher government structure need to give serious attention to community empowerment through political education and ensuring that access is open to citizens who wish to participate in the process of village development planning, budgeting, and monitoring.

H. INSTITUTIONAL MECHANISMS FOR WOMEN'S ADVANCEMENT

1. Overview

In Indonesia, national mechanism for women's advancement runs under two institutions: firstly, in the Government, i.e. the Ministry of Women's Empowerment and Child Protection (KPPPA), and secondly, an independent national institution related to women's human rights issues, i.e. the National Commission on Violence against Women (Komnas Perempuan). The presence of both institutions plays an important role in the matter of Indonesia's long-term commitments to advancing Indonesian women and these commitments refer to both the ones at the national and international levels.

The KPPPA was established since Indonesia has been bound by the commitment to having a national mechanism for the elimination of discrimination against women, which is embodied in the ratification of CEDAW in 1984, although the Ministry has seen its name changed several times. It was first launched as Junior Minister for Women's Affairs, then it became Minister of State for Women's Empowerment, and later on it was renamed State Ministry of Women's Empowerment and Child Protection and today it has been changed into the Ministry of Women's Empowerment and Child Protection since the early 2000.

In broad terms, the government programs for women are related to regular reporting on the elimination of discrimination against women, on the implementation of the Beijing Platform on a five-year basis, gender mainstreaming policies, gender budgeting, reporting of the Convention of the Rights of the Child (CRC), and quick response to emerging issues. This program is a part of the president's commitment to the advancement of Indonesian women as stated in the present President program called NAWACITA.

Gender mainstreaming and gender budgeting on the National Development Program based on CEDAW and Beijing Platform, with the focal points set up within ministries/institutions, law enforcement agencies and women's empowerment agencies at provincial and district/city levels as the indicator. In practice, this reporting is done through cooperation with the Ministry of Foreign Affairs, a KPPPA working partner, and through a process that is not transparent and does not involve all stakeholders. Reports on CEDAW have always been completed late, and so far, the report that should have been delivered in 2017 is not available yet.

At regional level, the KPPPA is part of the ASEAN ministries on women that work on several issues, including trafficking, violence against women, peacebuilding and security and protection of migrant workers.

The Komnas Perempuan's mandate is to work on issues of violence against women at the national level; there are other state institutions whose work also focuses on human rights, such as The National Commission on Human Rights (Komnas HAM) and the Indonesian Child Protection Commission (KPAI). Besides them, there are other national institutions related to women's issues, like the Ombudsman, the Witness and Victim Protection Agency (LPSK), and the Indonesian Broadcasting Commission (KPI).

2. Achievement and Progress

Strategic objective no. 1: To set up or to reinforce national mechanisms and other government bodies

In setting up focal points within ministries and institutions, the KPPPA already has local representation in the presence of women's empowerment agencies at city and district levels, and focal points at a number of ministries and institutions related to law enforcement and pilot projects on gender budgeting at several ministries. However, when it comes to institutional mechanisms for monitoring elimination of discrimination against women, it seems that there has not been an effective one for regular and continuous supervision on BPfA implementation, especially by involving stakeholders, including civil society organizations directly related to this activity.

The challenge is how the Government, in this case the KPPPA, together with independent institutions like the Komnas Perempuan, can build sustainable partnerships, especially for the purpose of reporting on results from the regular monitoring on elimination of discrimination against women in Indonesia.

The second challenge is that the leadership of the KPPPA for women's empowerment is expected to be separate from the one for child protection. Both issues are equally important and each needs power of the same scale. On one hand, the ministry is expected to make maximum efforts, but on the other hand, there needs to be consideration for separating the leadership for women's empowerment from the one for child protection.

Strategic objective no. 2: To integrate gender perspectives into legislation, government policies, and all programs and projects.

Each of 34 provinces of Indonesia and over 300 districts, is obligated to have special unit for the empowerment of women.

Strategic objective no. 3: To compile and disseminate gender segregated data and information for planning and evaluation.

When it comes to integrating gender perspectives into laws, programs and projects, at the moment there are still hundreds of local regulations that discriminate against women and there has been very few effort from the KPPPA to respond and take action to reduce or remove regulations and policies that discriminate against women. The Ministry of Home Affairs is reviewing these local regulations.

The only bill needed by women is the one on sexual violence eradication (PKS Bill). The KPPPA has put the bill in the legislation process, based on recommendation and demands from civil society organisationorganisations that focus on women's issues and support from the Komnas Perempuan. The PKS Bill is still under deliberation and has not been passed yet, given that there are some political parties in legislative institutions, and political parties that do not support its passage into a law.

This presents a challenge to the KPPPA, on how to build inclusive partnerships and involve a wide range of stakeholders, including relevant women's organisationorganisations and marginal groups, whether for producing legislations or drafting monitoring reports.

In the process of selecting institution members, discrimination occurred during the selection process of Komnas Perempuan member candidates. Two of the Komnas HAM commissioner candidates found their applications were rejected. They were Dede Oetomo who openly declared himself as gay activist and Mami Yuli Rettoblaut who is an activist of women transgender groups⁶³. Members of the House of Representatives denied their applications.

3. Emerging Priority

- Since monitoring on implementation of the State's commitment to CEDAW, BPFA, SDGs, etc. has become the attention of, and has been conducted by not only the KPPPA and KOMNAS Perempuan but also civil society organisationorganisations (CSO), it is important to reinforce institutional mechanism for women's advancement. By applying principles of transparency, inclusivity, cross movements, and intergeneration.

4. Recommendations

- a. The KPPPA, in line with its main task towards women's empowerment, should establish a team and assign it a mandate to prepare a report on results of the monitoring that it needs to submit to a specific committee or a working team. This KPPPA team shall work based on the targets that it needs to achieve and shall have a working process that is inclusive—involving related stakeholders—and transparent; only for the reporting of CEDAW, BPFA.
- b. The KPPPA better focuses on the mandate concerning women's empowerment and separate it from the one about child protection, so it can work effectively in integrating gender perspectives into laws, government policies, and programs and projects. This is to prevent the following example from taking place once again: when dealing with the growing sexual violence against children, the policy that the Ministry suggested was to impose castration punishment on the perpetrators, but such punishment is sexist and suggests double standards and sanctions of violent/torturous nature.
- c. The role of the KOMNAS Perempuan, which is a national, independent human rights institution who works on opposing violence against women and gender-based violence, can be more focused on the work of the teams that monitor/seek facts or that document problems confronted by Defenders of Women's Human Rights and Protection of Women's Human Rights and Access to Justice.

⁶³ [The Jakarta Post](#), 17 March 2012

I. HUMAN RIGHTS OF WOMEN

1. Overview

The CEDAW Convention has become a part of Indonesia's national laws for more than 35 years, following its ratification through Act No. 7/1984. However, efforts to promote and protect women's human rights by implementing this Convention on the Elimination of All Forms of Discrimination Against Women should be carried out and monitored continuously. The government, including executive, legislative, judicial institutions, together with indigenous institutions, education institutions, community institutions, corporations and other relevant parties, have been terribly lacking in their understanding and policies concerning fulfilment of women's human rights and prevention against gender-based discrimination. In 2018, the Komnas perempuan documented 421 policies from 34 provinces that discriminate women, directly or indirectly.

The concern that the CEDAW Committee once stated to the Indonesian Government, through the Final Observation (CEDAW/C/IDN/CO/6-7), on several main issues are still relevant today. The issues are listed below:

- a. Legislations that are discriminatory against women, both in domestic and public domains, and suggested to be amended, for example, the Law on Marriage, local regulations that discriminate women.
- b. Application of all stipulations in the convention, including raising understanding, knowledge and awareness on gender equality and non-discrimination through training for government apparatus, law enforcement officers, legislative members, as well as through policies like the Law on Gender Equality and Justice;
- c. Violence against women, especially practices of female circumcision and sexual violence;
- d. Legal protection assurance and recognition of the rights of Domestic Workers;
- e. Protection of women in the marriage and family, in relation to forced marriage, child marriage, recognition of interfaith marriage, etc.;
- f. To ensure that rural and indigenous women receive equal access to health services, education, clean water, sanitation, including development projects that aim to improve family life and the ability to take decisions and participate in efforts to develop the village;
- g. Fulfilment of human rights of the women in prison and conflict areas; and
- h. Ratification of the Optional Protocol to the CEDAW.

There is also an issue of violations against human rights that have been overlooked until now, and these violations are committed against LGBT groups. Facts from the 2013 research conducted by Arus Pelangi on the Lesbian, Gay, Biseksual, and Male to Female Transgender (LGBT) community showed that 89.3% of LGBT in Indonesia have suffered violence due to their sexual orientation, gender identity, and gender expression. In 2014, UNDP also published a report that gave more in-depth description about the situation faced by LGBTI in Indonesia⁶⁴.

Further, there is an issue of the growing pressure and criminalisation against Women's Human Rights Defenders who work in various sectors, including legal assistance and community support, in different areas in Indonesia (Komnas Perempuan, 2018). A lack of equal legal protection for victims of sexual violence who are facing the law, and a lack of access to the court, are also evident in cases of criminalisation against women who have suffered injustice, such as the case

⁶⁴ The UNDP report is available at the following link:
http://www.id.undp.org/content/indonesia/en/home/library/democratic_governance/being-lgbt-in-asia--indonesia-country-report/

of Mrs. Baiq Nuril in Mataram, West Nusa Tenggara (NTB), who finally received amnesty from the President (August 2019).

In 2011, the UN Human Rights Council (UNHRC) adopted the Sexual Orientation and Gender Identity (SOGI) & Human Rights (HR) resolution (HRC/RES/17/19)⁶⁵ to end all forms of violence and discrimination based on sexual orientation and gender identity. Since the resolution was adopted, many changes in the field of international laws have taken place, especially in the United Nations. Under the 2012 Universal Periodic Review (UPR), Indonesia received some recommendations in relation to fulfilment of the rights of LGBTI groups in Indonesia, but the Government rejected all of those recommendations.

Disabled Women Issues

Disabled women in Indonesia suffer double discrimination, first as a woman, and second, as a disabled person; whether in the family, the community, or the state. The following scenarios give very straightforward examples of such discrimination: if a doctor diagnosed that a fetus would be born as a disabled baby, he would usually recommend that the fetus should be aborted. Then if the concerned pregnant woman refused to follow the doctor's recommendation and decided to keep the baby, and upon giving birth found out that her baby was indeed disabled, usually she and her spouse—as parents—would feel ashamed that they have a disabled child. They would consider their child as a disgrace, a curse, a direct result of his/her parents' sin, brings bad luck, etc., and hide him/her and not send him/her to school, or even abandon him/her. If a poor family has two children (a son and a daughter), and the daughter is disabled, usually they will choose to only send their son to school.

Discrimination in the community: people normally think that disabled are not productive because the disabled cannot maximize the use of one of their senses/body parts. Discrimination by the state: so much infrastructure, especially in rural areas, cannot be accessed by the disabled; even though there are regulations on this issue and despite the government's step of having launched inclusive education. In the implementation, at regular schools, there is no specified teachers to assistant disabled students. The majority of disabled women in Indonesia are poor and under educated.

The disabled's reproductive health needs to receive special attention; the blind need teaching tools/mannequin, the deaf need pictures and writings, and the medicine becomes their primary for ones with mental issue. Many disabled women do not have the BPJS even though the government has launched a policy concerning contribution assistance beneficiaries / *Penerima Bantuan Iuran (PBI)*.

When accessing flight services, disabled women often face some obstacles and restrictions; although they have bought tickets similarly with other passengers, some disabled women were refused to be on board.

In the case of legal protection: if a disabled woman is involved in a crime, whether as victim or a perpetrator. The officers often cannot communicate with her, or the testimony from disabled women are not taken seriously because they are considered legally not complied, as a witness is required to be able to see and to hear, and this is an obstacle for disabled women.

⁶⁵ The SOGI & HR 2011 Resolution is available at the following link: <http://arc-international.net/wp-content/uploads/2011/08/HRC-Res-17-191.pdf>

Since Indonesia ratified the Convention on the Right of Person with Disabilities (CRPD) and passed Act No. 8/2016 on the disabled person in 2016, the government has begun to fulfil the disabled's rights, although they still need to be frequently reminded about this matter.

In relation to public buses and transportation in Jakarta, some bus corridors provide a special space for women and there are priority seats on buses and trains for the elderly, pregnant women, children and the disabled. The disabled and the elderly enjoy free pickup and drop-off services from Transjakarta Cares.

3. Strategic Objectives

- a. To promote and protect women's human rights, by fully implementing all human rights tools, especially the Convention on the Elimination of All Forms of Discrimination against Women.
- b. To ensure equality and non-discrimination before law and in real life.
- c. To eradicate legal illiteracy.

3. Achievements & Progress

1. Laws that specifically provides protection to women's human rights is Law No. 9/1999 on human rights (article 45), in addition to Law No. 7/1984 and the 1945 Constitution and its amendments.
2. The CSO has been advocating several policies in the last 5 – 10 years, including Bill on Protection of Domestic Workers, Bill on Gender Equality and Justice, Bill on Sexual Violence, revision of Act on the Placement and Protection of Migrant Workers Abroad, repeal of hundreds of discriminatory local regulations.
3. At the moment, various women's organisations are advocating amendments to Act No. 1/1974 on Marriage, including by filing for a judicial review with the Constitutional Court or through the legislative channel, to revise the Law and raise the minimum age of marriage for women from 16 to 18. These strategies are pursued, because some articles of this law are discriminatory, including legitimising underage marriage, standardising gender roles, reasons for divorce or polygamy that discriminate women, especially disabled women, allowing polygamy practices, and the loss of women's rights in the marriage if a woman files for a divorce.
4. Many women's organisations provide legal literacy/awareness education to women's communities at the grassroots. They give education about the rights of women as citizens, the CEDAW Convention, and various legislation at national and local levels that protect women, such as: Act on Elimination of Domestic Violence, Act on the Elimination of the Crime of Trafficking in Persons (PTPPO), CEDAW, et cetera.
5. The LGBTI Movement⁶⁶ with its advocacy in Indonesia is growing, to keep pushing the Government to immediately issue policies that protect and recognise the LGBTI people in the country and revise the existing policies and laws, so they will no be longer discriminated and/or criminalised due their Sexual Orientation, Gender Identity and Expression (SOGIE). Thus, LGBTI groups can also enjoy a decent life similarly to other Indonesian citizens and will no longer be forcibly evicted, dismissed from work, or expelled from school or suffer other

⁶⁶ In June 2013, the LGBTI movement in Indonesia held a national dialogue that was attended by 49 institutions, including representatives of the Central Government, State Human Rights Agency, Donor Agencies, Universities, Non-Governmental Human Rights Organisations, Legal Aid Institutions, Scholars, Religious Leaders, and representatives of Civil Society Organisations and Defenders of LGBTI's Human Rights. The dialogue drafted the Bali Recommendation that listed 11 important recommendations for the Government of Indonesia. These recommendations went into the Report on the Situation of LGBT published by UNDP in 2014. The Bali Recommendation is also available at the following link: <http://aruspelangi.org/dialog-nasional-komunitas-lgbt-indonesia-nusa-dua-bali-12-13-juni-2013/>

unfair treatments, just because the LGBTI have different sexual orientation, gender identity, and gender expression.

6. Some policies and national laws that still discriminate LGBT, include:

- Law on Pornography, Annex Chapter, Article 4, Paragraph 1 Point (a) of Act No. 44/2008 on Pornography states that the definition of "deviant sexual intercourse " includes sexual intercourse or other sexual activities with corpses, animals, oral sex, anal sex, lesbian and homosexual.
- Local regulation on Prevention, Eradication and Actions against Social Problems (No. 9/2010) in Padang Panjang, West Sumatra. The section of the terms definition clearly states "homosexual and lesbian" relationships and further, forbids such relationships and anyone to "offer himself to engage in either homosexual or lesbian relationships, whether for money or without receiving any money." This local regulation also subjects the perpetrators to a prison sentence up to 3 months or a fine of IDR 10 million.
- City Regulation on Development of Values of Social Life Based on Islamic Teachings and Social Norms (No. 12/2009), in Tasikmalaya, West Java. This local regulation bans adultery and prostitution, both in heterosexual and homosexual manner.
- Government Regulation No. 61/2014 on Reproductive Health, article 26 (2b) "The healthy sex life as referred to in paragraph 1 shall include a social life: a. that is free from sexually transmitted infection b. that is free from sexual disfunction and sexual orientation disorder c. that is free from physical and psychological violence d. that is able to control pregnancy, and e. that observes ethics and morality"
- Announcement of Vacancies for Civil Servants Candidates of the District Attorney's Office of the Republic of Indonesia for the 2013 Budget Year No PENG-001/C.4/Cp.2/09/2013, IB special requirements: "for applicants who hold a bachelor's degree: applicants are not partially or totally colour-blind, **do not have any physical disability, or any mental disability, including abnormal sexual orientation and abnormal behaviour (transgender)**, do not have any tattoos, or piercing (female applicants are allowed to have a piercing on each ear), and are free from any drug addiction and have ideal body posture with a BMI between 18 and 25 (according to the standard for BMI), which is derived from dividing the body mass by the square of the body height; the minimum body height is 160 (one hundred and sixty) centimetres for male applicants and 155 (one hundred and fifty five) centimetres for female applicants; for applicants who hold an associate's degree (D3): applicants are not partially or totally colour-blind, do not have any physical disability, or any mental disability, including abnormal sexual orientation and abnormal behaviour (transgender), do not have any tattoos, or piercing (female applicants are allowed to have a piercing on each ear), and are free from any drug addiction and have ideal body posture with a BMI between 18 and 25 (according to the standard for BMI), which is derived from dividing the body mass by the square of the body height; the minimum body height is 160 (one hundred and sixty) centimetres for male applicants and 155 (one hundred and fifty five) centimetres for female applicants; for applicants who are high school graduates or equivalent: applicants are not partially or totally colour-blind, do not have any physical disability with the exception of applicants who use a cane for their foot disability, or do not have any mental disability, including abnormal sexual orientation and abnormal behaviour (transgender), do not have any tattoos, or piercing (female applicants are allowed to have a piercing on each ear), and are free from any drug addiction and have ideal body posture with a BMI between 18 and 25 (according to the standard for BMI), which is derived from dividing the body mass by the square of the body height; the minimum body height is 160 (one hundred and sixty) centimetres for male applicants and 155 (one hundred and fifty five) centimetres;"

4. Challenges and Emerging Priorities

1. Cultural barriers, such as deeply-rooted patriarchy culture, both among the Indonesian society and state apparatus. This takes shape in stereotypes of women, and cultural norms, traditional practices, and gender-biased interpretation of religious teachings. There are also structural barriers, including a lack of understanding among state apparatus and the community about CEDAW, women's human rights have yet to be a part of the institutions of law in legal formulation and law enforcement, court rulings, policies, program planning and budgets, the incapacity of the state institutions to apply human rights standards (in relation to understanding, expertise, methodology, and state apparatus' inadequate capability).
2. Growing religious fundamentalism in Indonesia has been threatening the enforcement of women's human rights, because these groups influence public policies drafting, both at national and local levels. In the name of moral and religion⁶⁷, these fundamentalist groups use religious laws and cultural practices in public policies that clearly limit women in their movements and freedom of expression, by not allowing them to go out at night without the company of men in their family and giving them rules on how to dress themselves. Religious and cultural leaders also play a role in influencing the community's mindset and behaviour to lean towards intolerance and anti-diversity.
3. Until now, the Government has been silent or has refused to recognise the existence of LGBTI groups, even omitted by while a long list of policies discriminate and criminalise those groups. Silence, rejection, discrimination and criminalisation against LGBTI groups really prove that so far, the State has not respected, protected, upheld, and advance the rights of Citizens who have different SOGIE in a fair and dignified manner, as per the 1945 Constitution and Act No. 39/1999 on Human Rights.
4. The importance of legal protection assurance and appreciation for the work of Women's Human Rights Defenders, so they will not be under pressure from, or will not become victims of criminalisation and discrimination by law enforcement officers, or the masses, and in an effort towards equal access to the court and justice.

5. Recommendations

1. The government should seriously implement all recommendations of CEDAW committee and those from the Human Rights Committee, such as CRC, ICCPR, ICESCR, CAT, CIMW, CERD, UPR, in line with the State's responsibility for respecting, fulfilling, and protecting the human rights of its citizens, including protecting Defenders of Women's Human Rights.
2. The government should make the following issues as the priority in its work: elimination of sexual violence against women (girls and adult women), by means of legislation, providing victims with access to justice, and post-trauma recovery services that victims and their families can access easily at a low cost.
3. The government and House of Representatives should adopt the Optional Protocol of CEDAW soon, as an effort to build an accessible and efficient justice system for female victims of gender-based violence.
4. The government shall raise awareness and increase the knowledge of its apparatus, including law enforcement officers, so they will be more sensitive and understanding towards victims' specific situations and their cases, in cases of violence against women.
5. Education on reproductive health for disability groups and about disaster risk mitigation should be incorporated into school curricula. For non-formal education, vocational training

⁶⁷ <http://www.irsad.org/>

centers / *Balai Latihan Kerja* (BLK), which have done much in the vocational training field, should be modified in order to make them also accessible for disability groups.

J. WOMEN & THE MEDIA

The media make up one of the 12 critical areas of concern in the Beijing Declaration and Platform for Action, an international declaration initiated by the United Nations (UN) for equality, development and world peace. This 5-year period (2014-2019) sees a number of issues, achievements and challenges in the situation and condition of women in the media in Indonesia.

1. General Description on Condition of Women and the Media

The number of media in Indonesia has jumped drastically; data from the Press Council reported that it was 47,000 today, compared to only 250 prior to the reformation era, not to mention the social media. Today, it is estimated that millions of Indonesians manage and use the media and social media. This situation has prompted many women and minority groups to use the media as tools of the campaign to stop violence against women.

Another good news is that the number of female journalists and workers has soared in line with the higher number of the media and social media in Indonesia.

But all of these do not mean that the media in Indonesia are in a good place now. In its 2018 – 2019 annual report, the Alliance of Independent Journalists stated several conditions that threatened the press, including: media owners who enter politics have made the media not independent, and the fact that the media industry was pushed to satisfy the market demands in order to make profits for media owners had worsened the condition of women in Indonesia.

A number of regulations also threaten freedom of the press and may imprison journalists, including the Criminal Code bill (RUU KUHP), Law on Electronic Information and Transactions (UU ITE) No. 11/ 2008 and a lack of protection for private data. These three laws also go after Lesbian, Gay, Bisexual and Transgender (LGBT) groups as the objectification of the error.

In addition, there was a considerable number of journalists who suffered violence; in 2018, there was 61 cases of violence against journalists, in 2019, this figure went up to 64 cases. Data from the Alliance of Independent Journalists also stated there were many hoaxes and disinformation. Then data from women's institutions indicated that fundamentalism groups used the social media for their many campaigns that threatened women.

On the other hand, a trade union for media and creative workers (Serikat Sindikasi) reported a growing number of media and creative workers thanks to the industrial revolution 4.0. However, the job flexibility that freelance workers enjoy does not come with working guidelines for them, as a result, many of them, including female media workers, do not receive any insurance and job security benefits.

2. Women on Media: Targets of Objectification

The increasing number of female journalists also indicates that more and more women work in the media and creative industries. *Many of those women* work as web designers, filmmakers, webmasters, bloggers, graphic designers, social media campaigners.

But often, women who work in the media receive treatments that focus on their physical features. The trade union for media and creative workers (Serikat Sindikasi) disclosed recruitment requirements that were biased against female media and creative workers, with only those who were considered pretty and having ideal body proportions would be accepted and at job interviews, it was not rare for them to be the recipients of sexual remarks and sweet talk that objectified female media workers.

Other than sexual harassment cases, female media and creative workers still face ongoing normative issues. Companies shrug off labor regulations concerning, for example, rights to menstrual and maternal leave and to childcare, and think that ignoring them will not bring any significant impacts on female workers' productivity. In 2019, there was a revision of the Labor Law and in the business-sector version of the revision, there was an article that stated the right to menstrual leave for women would be removed.

This condition is made worse by diction, contents, pictures, speakers and framing of the news on online media that present women in sexist (degrading) and misogynistic, even sensational ways, for the sake of clickbait, especially on online media. And it is concerning that when the media cover cases of sexual violence, the survivors will be victimized for the second time, so their news may instead cause trauma for other victims of sexual violence.

In Indonesia, the Indonesian Broadcasting Commission (KPI) has officially banned Lesbian, Gay, Bisexual dan Transgender (LGBT) groups from entering radio and television broadcast since 2016, and this ban has become a threat, discrimination and stigma against LGBT groups on broadcast media until today.

Further, data from the Southeast Asia Freedom of Expression Network (Safenet) and Legal Aid Foundation (LBH) for the Press shows that around 100 people—some of them are women—have been put in jail in the last four years for expressing their views on social media. They are imprisoned as they are considered of having violated the Law on Electronic Information and Transactions (the ITE Law) No. 11/2008; this indicates that openness on media is only granted half-heartedly.

Another ongoing issue is the risks of intimidation and violence against journalists when they are working in conflict areas such as Papua; this problem also happens to female journalists in Indonesia.

Media owners often use their tv stations as their political platforms. So far, the government has been looking the other way in regard to this situation. It is evident that a number of media companies in Indonesia is industry-oriented and controlled by the market mechanism. Many online media only grow by presenting news that sell sensations and make women as objects. Television stations make profit by airing soap operas and infotainment programs that scrutinize people's private lives.

Internet, which is supposed to be a new medium for women to open doors towards democracy, now has turned into a political tool to instill hate and launch religious fundamentalism campaigns that threaten women.

Data from ICT Watch and Komnas Perempuan shows the presence of cyber crime and violence against women on the internet. Women are hit by cases of illegal content, which is a crime of posting data or information to the internet about things that are not true, not ethical. This includes, for example, morphing, online defamation, cyber grooming, cyber harassment, cyber stalking, cyber pornography, online prostitution, cyber prostitution. In 2014, Komnas Perempuan reported that they received cases on cyber grooming, cyber stalking, cyber harassment, illegal content, cyber bullying and a combination of various kinds of cyber crime. Other cases under the category of cyber violence against women include cyber grooming, cyber harassment and illegal content, also online defamation. The year of 2017 saw the highest number of cyber crimes, with almost 80% of news on the media covered different criminal cases. In 2014, almost 5% of news on the media was related to unauthorized dissemination of sexual contents.

Komnas Perempuan also collected some media clippings concerning cyber crime at its Resource Center. In 2017, almost 80% of news on the media and cases of cyber crime against women, most news in 2017 discussed defamation allegations, cases related to the ITE Law, cases of unauthorized dissemination of sexual contents, applications that auction virgins, online trafficking in women, these cases also involved pornography and modified versions of trafficking in women, hate speech that resulted in sexual violence against women.

3. Achievements

- a. A New Mandala article titled "The post-election challenges for Indonesia's feminist movement" by Dyah Ayu Kartika, a researcher at the Center for Religious and Democracy Studies of the Paramadina University, Jakarta (PUSAD Paramadina) wrote about a growing number of campaigns on women on social media by young women's groups, such as young feminist network, including: the Jakarta Feminist Discussion Group (JFDG), Indonesia Feminist, etc.
- b. Data from Remotivi, a media monitoring institute, stated that syndication/network of four mainstream media, including Jakarta Post, BBC Indonesia, Vice and Tirto.id, made joint coverage on ending violence on campus against female students. This was an excellent collaboration among mainstream media that has never been done before.
- c. The New Mandala article listed in point a also cited the emergence of new feminist media that include women's perspectives and target young people, including www.magdalene.co, www.Konde.co, that have made feminism campaigns in Indonesia thrive further.
- d. The birth of a trade union for media and creative workers (Serikat Sindikasi) that has 350 members, some of which are women. They heavily campaign for the end of harassment and violence at work, together with labor organisation/organisations and other labor unions in Indonesia
- e. The birth of the International Labour Organisation (ILO) Convention No. 190 on ending violence and harassment at work, which has been adopted by the United Nations. And Indonesia is one of the member states that also adopted it. The

Convention also marked the success of many labor unions and civil society organisations in their advocacy of ending violence against women at work.

4. Challenges & Emerging Priorities

- A number of laws that may criminalize victims: ITE and Pornography Laws and Revised Criminal Code Bill, similarly the business-sector version of revision for Law on Labor No. 13/2003 that is not pro female labor
- The Indonesian Broadcasting Commission (KPI) is supposed to defend the public, but in fact, they do not support minority groups. This is proved by the issuance of a KPI regulation in 2016 that bans LGBT from entering the broadcasting media. Moreover, in general, KPI members represent political parties in Indonesia, a fact that further hurts independence of the media in Indonesia.
- Information technology companies such as google, youtube, etc., have yet to take any responsibility for any application that has contents of violence against women
- Media owners who enter into politics and let their media dictated by market demands present big challenges, because in general, contents of television programs degrade women, sensationalize bodies of women, female workers, and female applicants on the media.
- The growing fundamentalism groups, which carry out anti-feminist campaigns on social media, try to influence the public to dismiss the campaigns to end violence against women. They campaign on social media that feminism is the product of the Western world, of liberal groups, and encourage the public to '*hijrah*' (lead a more religious way of life) and wear clothes that cover their *aurat* (body parts that should not be exposed to sight)

5. Recommendations

- a. The Government and DPR RI should refuse the Criminal Code Bill as it would criminalize journalists
- b. The Government and DPR RI should reject the ITE and Pornography laws as they would criminalize women
- c. Reject the business sector's version of Labor Law No. 13/2003 version that is not in the favour of female workers. There are 50 articles that threaten female workers, including removal of menstrual leave, no opportunities for career development, arbitrary termination of employment (PHK) by business owners,
- d. Reform the KPI so its members will be no longer selected by the DPR, because this mechanism has made the KPI have no independence and simply represent political parties and media owners who join those parties. As a result, the KPI is not supportive of women and minority groups as such as LGBT
- e. Refuse ownership of any media that are not independent and market oriented, because this results in violence against women and sensationalism of their bodies
- f. The Government should immediately ratify the ILO Convention No. 190 on elimination of violence and harassment in the working world.
- g. Publication of employment guidelines for freelance media and creative workers
- h. Capacity building for journalists and media crew concerning gender-sensitive knowledge

K. WOMEN & THE ENVIRONMENT

1. Overview

Minister of Environment and Forestry (LHK), Siti Nurbaya Bakar, at a dialogue forum with women who fight for justice in natural resources management (the event was held on 28 March 2018), said that many traditions and culture of this nation saw nature as their mother. If nature is hurt, then their mother will be sick. And when the mother is ill, the family will be disturbed. This was really a wise and noble insight about human interaction with nature.⁶⁸ The Minister's statement confirmed that policymakers and the public did not deny that mothers, women, played a great role in taking care of nature, preserving and keeping the earth safe. This statement automatically admitted that the state/the government acknowledged that women played a huge role in efforts to save the environment and natural resources.

But this "acknowledgment" is not in line with the reality where women have been systematically marginalized and discriminated, especially in natural resources management. Data from Solidaritas Perempuan stated that in Indonesia, women continued to be discriminated and marginalized in land ownership and control, ownership of property and economic, political, social resources, etc. Moreover, domination of land control at a massive scale for investment interests in Indonesia has taken away women's living space and source of income, destroyed the environment, and ultimately led to agrarian conflicts that often come with violence and criminalisation that are committed by the state. The disparity in social and state systems has resulted in multi-layered impact and impoverished women.

In the last five years, during which environmental crisis has hit Indonesia, women are its biggest victims, as it is difficult for them to get clean water and healthy food materials from their own area, in order to meet daily family needs. If the issue is not addressed, the next impact is women cannot plant vegetables that they can cook in the kitchen, they cannot provide healthy food for their family, malnourished children, unhealthy environment and sanitation, prone to illness, and further, food and water will become expensive items, women will be even poorer and have to endure substandard quality of life. Women are also closely related to the bigger environment issues, including food, tobacco, garbage, waste, pollution, mining and plantations.

The National Disaster Mitigation Agency (BNPB) at the end of 2018 reported that there were **2,426 disasters that hit Indonesia, and most of them were floods, landslides and tornados, which hurt thousands of victims. Around 96.6% of the 2,426 disasters were hydrometeorology disasters (climate disasters). The widespread damage that hits watersheds, critical lands, the rate of forest damage, environmental damage, are reasons behind the high number of climate disasters. Even last year, the BNPB stated that the rising number of disasters in Indonesia indicated emergency ecological situation.**

The Ministry of Environment is aware that smoke from forest and land fires is harmful to respiration, lungs and women's reproduction perempuan. Similarly, air pollution in Jakarta has indicated alarming condition that threaten citizens' health and safety. Unfortunately, the air quality standard adopted by the government is lower than that adopted by the WHO. Government Regulation No. 41/1999 on Air Pollution Control can no longer offer any solution for the air pollution problem. The WHO stipulates that the threshold of safe exposure is PM2.5, or 25

⁶⁸<https://sitinurbaya.com/sambutan-menteri-lhk-pada-dialog-dengan-pejuang-perempuan-untuk-keadilan-dalam-pengelolaan-sda>

ugram/m³ for measurement time of 24 hours, whereas Indonesia set the threshold at 65 ugram. From here, we can see that instruments in derivative policies have yet to serve as “protective” instruments for citizens or prevent threats and impact of environmental damage against vulnerable groups, especially women, from getting worse.

With the focus on “not leaving anyone behind,” then as listed in the requirements of the SDGs, the government should engage women to talk and actively participate in issues of environmental and natural resources management. Inequality and marginalization of community groups made vulnerable by imbalance of power, especially in their relationship with investors and the government, should be ended, so no one will be left behind in the development process and the development can take place in a sustainable manner.

Economic policies which still rely on investments in extractive industries, disregarding the condition of this nation that is vulnerable to natural disasters and the impact of climate crisis. When disaster happens, whether they are natural or ecological ones, once more women will be the ones effected the worse. There has been lack of law enforcement for companies that have become the source of environmental damages. Areas where mining sites are operating will have unrestorable geological damage; it is also difficult to restore the lands damaged by vast oil palm plantations, extractive industries also contribute considerably high to pollution. It is feared that in the future, environmental damage will persist, and natural disasters caused by environmental crisis will also occur often, such as floods, pollution and drought.

2. Issues Faced by Women

Although the law stated that the right to environment is one of (men’s and women’s) human rights, but in practice, the state often marginalizes and discriminates women’s rights in the implementation of its policies. Development and economic policies, which claimed to be designed for improving people’s welfare, at the end simply marginalize further vulnerable groups, including women. Women are most vulnerable to the impact of Extractive Industries. Data from the Indonesian Forum for the Environment (WALHI) stated that 97% mercury found from samples of women in Indonesia exceeded the safe threshold (the impact of gold mines, coal-fired power plants (PLTU) and cement industry), results of a study conducted by the International POPs Elimination Network (IPEN) in collaboration with the Biodiversity Research Institute (BRI) in 25 countries, which put Indonesia on top of the list]

This is simply and solely due to the patriarchal character of Indonesia’s development paradigm, which is represented by mining and other extractive industries, such as oil palm plantations and industrial plantation forests (HTI) and even today, tourism business with sustainable development “packaging”. Environmental and natural resources crisis cannot be separated from the unfair and unequal structure of natural resources control, which has been in the hand of corporations that are facilitated by the state through a range of policies and permits issued. Corporations and the political elite often abuse the gender injustice that remains embedded in the community. The state and corporations negotiate with the local political elite, most of whom are men, that in many cases, women are not aware that their lands have been handed over to oil palm plantations. Forestry, oil palm plantation, mining, and oil and gas sectors are areas massively controlled by investors, with the total width amounted to 159,178,237 ha.⁶⁹

⁶⁹ Data processed by WALHI.

In Indonesia, the fact shows that around 85% of the farmers do not have their own lands and women make up the group most vulnerable to ecology crisis. In this case, women's knowledge in taking care of the nature is replaced by new ways that disregard ecology sustainability and women's livelihood. Based on a report produced by WALHI, approximately 82.5% of ecological destruction, land forfeiture and natural resources conflicts were caused by corporations, the government and law enforcement. The Agrarian Reform Consortium (KPA) reported that in the year of 2018, there were at least 410 agrarian conflicts with the width of disputed areas amounted to 807,177.613 hectares and 87,568 family heads were involved in the conflict. Next, the KPA stated that the 410 conflicts occurred in a number of sectors as follows: 144 conflicts (35%) in Plantation sector, 137 (33%) in property sector, 53 (13%) in agricultural sector, 29 (7%) in forestry sector, 19 (5%) in mining sector, 16 (4%) in infrastructure sector and 12 (3%) in coastal area/maritime sector.

On 21 and 22 March 2019, 66 female environmental defenders from 26 provinces in Indonesia gathered at a national meeting of female environmental defenders held by WALHI in Jakarta. In general, environmental and natural resources issues faced by the women in Indonesia include issues at oil palm plantations, agricultural land conversion, mining sites that pollute water, clean water crisis, cigarette consumption that is harmful to women and children, the matter of island privatization, coastal/island reclamation, construction of hydropower and geothermal plants, the loss of land previously managed by women, and how women and their communities deal with investments backed up by law enforcement (police-military force). And types of threats faced by female environmental defenders, such as criminalisation and violence, like the ones endured by women who defended the Kendeng mountains, women who opposed the mining site of PT. BSI in Banyuwangi, East Java, and women who rejected the geothermal exploitation in West Sumatra.

Economic policies that still rely on investments in extractive industries, ignore the condition of this nation that is vulnerable to disasters and impact of climate crisis. When disasters occur, whether they are natural or ecological ones, again, women will be the ones who feel the worse impact. There has been a lack of law enforcement against companies that have caused environmental damage. Areas where mining sites are operated will have unrestorable geological changes; it is also difficult to restore the lands damaged by vast oil palm plantations, extractive industries also contribute considerably to pollution. It is feared that in the future, environmental damage will persist, and natural disasters caused by environmental crisis will also occur for many times, such as floods, pollution and drought.

3. Achievements

1. Women's main fulfillment of these movements is one when they can raise resistance, together with civil society organisations, against the injustice that they faced. Evidence show from the opposition that women in Kendeng, Central Java, between 2017 and 2019, that they refuse the construction of a cement factory in the area. They fought for years by staging protests in front of the state palace in Jakarta and in Central Java. Some women even lost their lives during the time of resistance. The same opposition was also raised by a number of women who became victims of environmental damage organisation.
2. The state admits that women play a significant role in efforts to save the environment and natural resources. They also admit that there are big issues between women and the environment, where women's position is particularly vulnerable. Nevertheless, this is a

process, and the admission is a progress, since in the past, the state thought that there was no problem in this field.

4. Recommendations

1. A call to the government to have policies that protect the community's rights and sovereignty over its land and living space, and particularly the rights of women. The state, as it should be, need to give capacity to women to be involved in the decision-making process relating to the development planning, starting at the village level. In addition when women decline a development project/investment during a decision-making process, they should be heard, instead of being criminalize. In addition, the state should also immediately issue policies related to recognition and protection, in the matter of environmental and natural resources management, for example, by deliberating and passing the Bill on Community early on that is in favour of the rights of indigenous communities, especially those of indigenous women. This recognition from the state will prove that women and civil society groups have stepped up their campaign to achieve such recognition.
2. To impose the Government, especially the Ministry of Forestry and Environment (KLHK), to continue restricting environmental permits and instruments for better control of the investors, to restrain them for committing any violence that can result in discrimination against women.
3. Expect the Government to review the overlapping regulations, especially those concerning the use and utilization of lands/areas, including spatial planning that discriminates women.
4. A call for the Government to revisit deals with licensed mining and plantation companies that damage the environment and to produce spatial planning that is transparent and incorporates women's perspectives.
5. As for the CSO, they should continuously advocate regulations which ensure protection which guaranteed the fulfillment of the rights of indigenous communities, especially those of indigenous women, in environmental and natural resources management.
6. CSO, should reinforce the capacity of the community, particularly women at the grassroots, in order to participate in the development process, from its planning to its implementation. Moreover, particularly they should be more critical on development programs that is not environmental friendly perspectives, and raise awareness on the environment, including ways for disaster prevention measures.

Annexes

The 1945 Constitution – the State Constitution, especially Articles 28 and 33.

Law No. 39/1999 on Human Rights

Law No. 5/1960 on Basic Principles of Agrarian Law

Decree of the People's Consultative Assembly (TAP MPR) No. IX/2001 on Agrarian Reform and Natural Resources Management (PA PSDA)

Law No. 32/2009 on Environmental Protection and Management

International Covenant on Economic, Social and Cultural (ECOSOC) Rights

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

United Nations Declaration on the Rights of Indigenous People

L. THE GIRL CHILD

1. Introduction

The definition of a child according to article 1, paragraph 1 of Law Nr. 23/2002 on Child Protection,; “A child is one who has not reached the age of 18 (eighteen), including fetus in womb.” This is slightly different from the definition of a child according to the WHO: “A child is a person below the age of 19”.

The Central Bureau of Statistics (BPS) projected that by 2017, 30.5% or 79.6 million of Indonesian inhabitants would be children aged between 0-17. It was also predicted that for the future, there would not be any significant changes in the proportion of children in Indonesia. This means that almost one in three Indonesian inhabitants could be a child.

The topic that has become the government’s main focus in the last several years is child protection. The government is aware of the importance of ensuring children’s rights, especially the right to protection from all forms of violence, whether it is physical, psychological, or other types of violence. To address that particular child issue, intensive cooperation is needed, among different elements of the society, including the government, CSOs, the private sector as well as the social cultural organisations and the respective community itself. In addition, the government has launched the Child-Friendly District/City program (KLA). Through the program, the government integrates commitments of its own, the community, the media and the business sector to fulfil the rights of the child and to protect their specific rights as children.

One problem that children in Indonesia still face is the disparity in various aspects, for example, social disparity. The government, which carries the mandate to undertake national development as stated in the 1945 Constitution, has the obligation to eliminate such disparity. It has taken a range of measures in order to address that issue. Nevertheless, some children in Indonesia are still experiencing the social disparity.

2. Strategic Objectives

- 1) Eliminate all forms of discrimination against girl-child.
- 2) Eliminate negative cultural attitudes and practices against girls.
- 3) Promote and protect the rights of girl-child and increase awareness of her needs and potential.
- 4) Eliminate discrimination against girls in education, skills development and training.
- 5) Eliminate discrimination against girls in the health and nutrition.
- 6) Eliminate the economic exploitation of child labor and protect young girls at work.
- 7) Eradicate violence against girl-child.
- 8) Promote the girl-child’s awareness of and participation in social, economic and political life.
- 9) Strengthen the role of family in improving the status of girl-child.

3. Achievements

3.1. Female Circumcision

In Indonesia, **the rate of female circumcision** is exceptionally high. According to the 2013 UNICEF data, Gorontalo was listed on the top position with the rate of 83.7%, followed by Bangka Belitung (83.2%), then Banten (79.2%), South Kalimantan (78.7%), next came Riau (74.4%), then West Papua (17.8%), followed by the Special Region of DI Yogyakarta (10.3%), Bali (6%), Papua (3.6%), and NTT (2.7%). Indonesia is in the top 3 countries with the highest rate of female

circumcision, after Gambia and Mauritania. The UNICEF Indonesia stated that at least 13.4 million of Indonesian women aged 11 or below might have undergone female circumcision. Most Indonesians have their daughters circumcised because it is recommended by their religion (96%), or recommended by tradition or culture (94.3%), and because a majority of people living in the city do that (93.1%).

The Minister of Health issued Ministerial Regulation Nr. 1636/2010 on Female Circumcision. This was opposed by activists since it was considered legitimating female genital mutilation (FGM)/circumcision practices and authorizing medical workers to do so. The goal of this circular was to control the country's citizens, so they would not suffer any arbitrary practices performed outside the medical field, since the circumcision was related to acts that intentionally caused injury to women's genitals. The problem was, health services providers then interpreted the circular as the state's endorsement of these practices. Although the 2010 regulation was later repealed by Health Ministerial Regulation Nr. 6/2014, the practice of medicalizing female circumcision goes on. Although it has been clearly stated that female circumcision is not allowed if there is no medical indication that requires such procedure, and so far, no medical benefits have been discovered from female circumcision.

Data from the 2013 Basic Health Research (Riskesdas) showed that the highest number of circumcision practices was performed by professional midwives (50.9%), then traditional midwives (40%), circumcision specialists (6.8%), and other medical workers (2.3%). The commercialization of circumcision services by the medical sector, plus the growing religious conservatism within the community, have made female circumcision practices remain popular as they are regarded as religious tradition.

To advocate the danger of female circumcision to the public, efforts should be made to give medical education about these practices.

Prevention against **acts committed to injure women's genitals** not only requires the government's active role to raise medical workers' awareness that they should not facilitate such acts, but also support from the public—by not asking medical workers to intentionally cause injury to women's genitals and to give protection to those workers in performing their duties to save women from procedures that intentionally cause injury to their genitals.

3.2. Child Marriage

A number of data shows that Indonesia still has a high rate of **child marriage**. Based on data from the Unicef's State of The World's Children 2016, the number of child marriage in Indonesia was the seventh highest in the world. Data from the Central Bureau of Statistics (BPS) up to the year 2015 showed that the rates of child marriage among children aged 10 – 15 and those aged 16-18 were 11% and 32% respectively.

The high rate of child marriage is influenced by a number of factors, from educational, economic, sociocultural, to religious backgrounds. Low-educated parents are more likely to marry off their children before the latter reach the age of 18. A lack of health education on reproductive organs or a lack of sex education is also the cause of child marriage. Further, a lack of education makes adolescents vulnerable to premarital pregnancies. Low-income parents tend to marry off their children because they think it will ease their economic burden. Many people are often scared of prejudice against old spinsters, so they think that marrying off their underage daughters is a solution to avoid such prejudice.

A program launched by **BKKBN** that promotes higher minimum age to get married—21 for women and 25 for men—is an excellent strategy. The question is, what about the situation at the local level? Do the stakeholders there also continue making efforts to prevent child marriage? Female adolescents make up around 40% of the national population in Indonesia. If female adolescents choose to become mothers at a young age, their decision will also have adverse impacts on their pregnancies. They could experience many complications during pregnancy and many of them would also give birth to babies with LBW. It is time for **the Ministry of Education** to include Lessons on Reproductive Health in the secondary education level.

The Coordinating Ministry for Human Development and Cultural Affairs is committed to giving attention to efforts to Amend Law No. 1/1974 on Marriage, especially to an article that stipulates 16 years as the minimum age for marriage for women, in order to synchronize regulations in Indonesia with the country's effort to eliminate child marriage. This effort needs to be supported by other ministries/institutions, including the Ministry of Religious Affairs that has cooperated with some Muslim NGOs and they have published guidelines for couples who are planning to get married. Some districts have conducted a trial run of the guidelines at their local KUA (Ministry of Religious) offices. The guidelines for marrying couples were written based on progressive Muslim perspectives, so they emphasize on the presence of gender equality in the marriage and they recommend that couples should appreciate and respect one another (*sakinah mawaddah wa rahmah*—and build a family that is full of peace, love and blessings from God).

The Ministry of Health is making efforts to optimize implementation of a regulation that offers a choice to women who are victims of sexual violence, whether they would like to **carry on with the resulting pregnancies or not**; the efforts include preparing training modules for doctors, in order to make them competent to perform abortions. These efforts are expected to be in line with the provision of hospital-based integrated service centers, which offer facilities required by women who are victims of sexual violence and who got pregnant as a result of it.

Rumah KitaB (CSO) continues holding educational seminars on the importance of child marriage prevention; their recent seminar on child marriage discussed studies on underlying reasons for such marriage. From religious point of view, although in fiqh (Islamic jurisprudence), original law concerning marriage is the sunnah (the teachings of the Prophet Muhammad), but such legal status is not fixed and may change in the case of child marriage. If child marriage is allowed, or halal, but that does not provide instant justification for the marriage. One should first consider: will the halal thing also bring benefits (*thayib*) to the child's life? Further, halal and thayib alone are not enough for pondering the disadvantages of child marriage. One should also see whether the marriage is halal, thayib, and advantageous (*maslahat*) and has merits (*ma'ruf*).

Concerning the high rate of child marriage in Indonesia, community groups and government institutions that work towards the lowering number of child marriages faced some challenges, including conservatism in religion and culture emerging from harsher economic situation, stronger threats against stability of traditional families as a result of social changes, and social intercourse that has become more open and consequently displaced traditional values, and ultimately leading to a more rigid interpretation of religion.

At this seminar, Rumah KitaB presented four types of innovations developed creatively during activities that took place between 2017 and 2019. The innovations were as follows: 1) Use of social-religious approaches; 2) Use of gender analysis; 3) Working in three fields (legal, social, and religious); 4) Working at three levels (national, local and grassroots), and in three areas

(Cilincing, Cirebon, and Makassar) and with three groups (adolescents, parents, formal and non-formal figures).

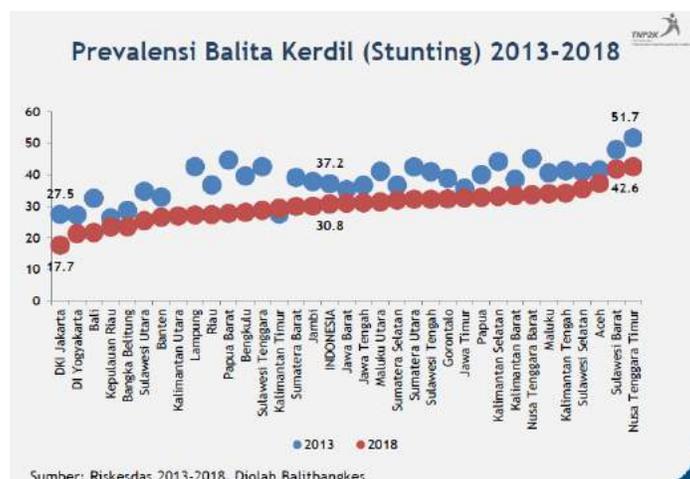
Kapal Perempuan stated that child marriage cases could be addressed at least by using economic, educational, reproductive health, gender, or SDG-based approaches. Given different challenges and character diversity in the community, preventing child marriage required strategies and innovations.

Institutions like Kapal Perempuan, for example, approached learning communities in order to raise the awareness of poor women who had been outside the reach of women's school program. Yayasan Kesehatan Perempuan (the Women's Health Foundation) also took another innovative step to prevent child marriage by providing counseling on reproductive health at schools. And there are certainly many more innovations and strategies for ending child marriage practices.

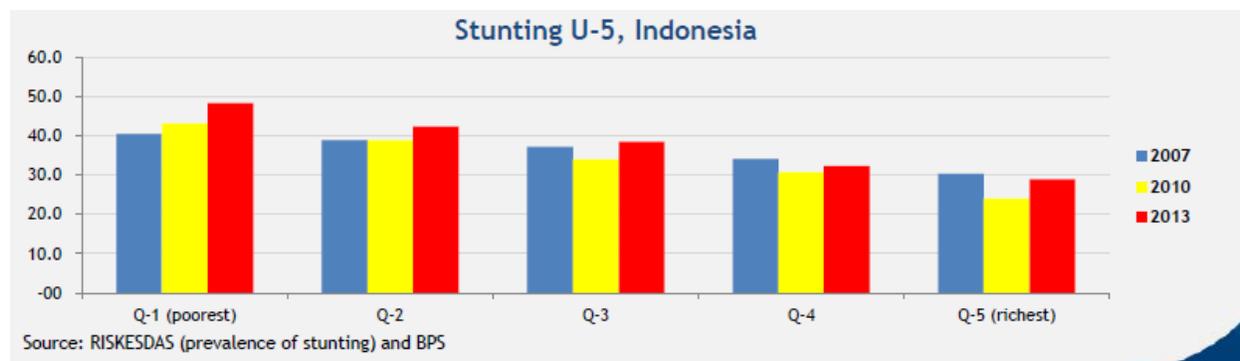
Adolescents' point of view concluded that the most important innovations that they produced were building the network and facilitating a variety of creative youth activities that should be understood and accommodated by policymakers at all levels and informulating the policy.

Child Nutrition

Prevalence of Toddlers Who Experience Stunting, 2013 - 2018



No income groups are immune to stunting, the latest data even showed that the number of stunting cases has been increasing among rich families, as seen from the illustration below.



Challenges to accelerate the reduction of stunting remain significant :

- Proportion of Low Birth Weight (< 2,500 gram/LBW) slightly increased to 6.2% in 2018 from 5.7% in 2013.
- The percentage of babies born with body length less than 48 cm rose to 22.7% in 2018, from 20.2% in 2013.
- Proportion of children aged 12 – 23 months who received full basic immunization decreased to 57.9% in 2018, from 59.2% in 2013. Proportion of children who did not receive any immunization increased to 9.2% in 2018, from 8.7% in 2013.

Child Trafficking – Child Prostitution – Child Migration

Child trafficking constitutes the process of recruitment, transfer, or harbouring and receipt of a child for the purpose of exploitation, either within a country or across international borders, although the defined means of trafficking are not used in the process. These means include threats or use of force or other methods, such as persuasion, abduction, deception, or abuse of power or of a position of vulnerability or giving or receiving of payments or benefits to achieve the consent of a person having control over a child, and they are irrelevant and not important elements in the crime of child trafficking.

Children who became victims of criminal acts of trafficking in persons turned out to be recruited by their relatives and neighbors to work abroad. Given their close relationship, the victims' families were reluctant to report those recruiters to the police although the parents did not know what happened to their children and their whereabouts since they were smuggled out of the country as illegal workers.

Every hour, 40,000 – 70,000 Indonesian female adolescents every year became victims of child trafficking syndicates (UNICEF, 2018), the same source also revealed that 30% of human trafficking victims worldwide came from Indonesia. The International Organisation for Migration (IOM) stated that every year, 150,000 children in Indonesia were trafficked for sexual purposes.

The public can take actions to prevent child trafficking by spreading information on the danger of child trafficking, safe migration process and minimum age for employment. They can also report cases of child trafficking or child exploitation to the law enforcement. And help the rehabilitation process of child trafficking victims, especially by treating them just like other children, not punishing and stay away from them.

The Village Head has issued some Village Regulations, having drafted them with the help of several NGOs that focus on migrant issues. These regulations do not allow young people to leave their village without any permission from the Village Head or related officials (Dukuhdempok Village Regulation No. 1/2017 on Protection for Indonesian migrant workers who are Dukuhdempok Village residents, and their families). For woman migrant workers who are about to go abroad, more NGOs have started to come up to support them; these women attend various training, including training on household management skills and another one on how to deal with sexual as well as physical violence.

Girls and HIV & AIDS

Every year, there is an increasing number of children born with HIV that had been transmitted from their parents. The Ministry of Health has indeed made efforts to prevent HIV transmission by examining every pregnant woman whether she is HIV-positive or not. So, those women who are HIV-positive will receive cesarean section services to prevent their babies from being born and infected with HIV, and the ARV drugs are guaranteed to be always available for those mothers. There are many Regental Regulations that offer protection for their HIV-positive residents by ensuring availability of ARV drugs for them and by providing pregnant women who are HIV-positive with cesarean section services for free of charge.

However, HIV-positive children who wish to go to school still face many challenges, because there were reports from many cities that those children were pushed to leave their school. This pressure came particularly from parents whose children were in the same class with HIV-positive children.

Many female adolescents from the lowest socioeconomic group remain vulnerable to sexual exploitation. A lot of them are trapped in prostitution. Certain parties cleverly deceive these girls by promising good jobs to them, but in reality, they are trapped in prostitution for a long time and it is hard for them to get out of such situation. It is still girls who would have to stay in the village if their father or mother died because of AIDS; a girl has to take the place of her mother who just passed away. The girl has to drop out from school and work in the field/the farm, bear the household burden and take care of her younger siblings after their mother has gone.

It seems that both the central and local governments have yet to give much protection for girls who have lost their parents to HIV-AIDS. These girls should have received aid from the Ministry of Health (for example, social assistance under the Family Hope Program and scholarships from the Ministry of Education and Culture so they do not to drop out from school).

Violence against Children

The Ministry of Women's Empowerment and Child Protection (Kemen PPPA) launched results from the 2018 National Survey on the Life Experience of Children and Youth (SNPHAR) (SNPHAR 2018). The results showed that 1 in 17 boys and 1 in 11 girls have suffered sexual violence. Also, 1 in 2 boys and 3 in 5 girls have experienced emotional abuse. Further, 1 in 3 boys and 1 in 5 girls have experienced physical violence. It can be concluded that 2 in 3 children and male and female adolescents in Indonesia have experienced violence in their lives⁷⁰.

⁷⁰ <https://www.kemenpppa.go.id/index.php/page/read/29/2123/kemen-pppa-luncurkan-hasil-survei-nasional-pengalaman-hidup-anak-dan-remaja-snpnar-tahun-2018>

Results of the SNPCHAR 2018 also showed that children did not only become victims of violence, but they were also perpetrators of violence. The fact is, 3 in 4 children reported that it was their friends or children of the same age that committed emotional and physical abuse against them. The data even revealed that the highest number of complaints filed against perpetrator of sexual violence—with or without physical contact—came from their friends or people of the same age (47%-73%) and between 12% and 29% of sexual violence perpetrators were the victims' boyfriends or girlfriends.

Data of the SNPCHAR 2018 indicated that child abuse was included in the list of extraordinary crimes. It is impossible to deal with this kind of crime without the cooperation among all stakeholders, including between ministries/institutions, law enforcement agencies, the public, also the family. All parties should play a role in efforts to give protection for children, especially in preventing them from falling victim to, or committing acts of violence.

Children facing legal institutions

The Indonesian Child Protection Commission (KPAI) received 1,434 cases on children facing the law (ABH) throughout the year of 2018⁷¹. Sexual crimes dominated the cases, with children as either the perpetrators or the victims. According to research conducted by the KPAI at 15 juvenile detention centers in Indonesia, factors that encouraged the commission of the crime included social intercourse and social media. Other offences that many children commit included theft, physical abuse, assault, brawls, which grew worse and turned into stabbing. Given various factors that led children to commit different types of crimes, concerned parties should work together to handle or address them.

Indonesia, as a state party to the Convention on the Rights of the Child that sets out principles of legal protection for children, has an obligation to give special protection to ABH. One form of child protection by the state is presented through a special criminal justice system for ABH. The special system certainly has specific objectives set in the interests of the children's and general public's future and the system comprises principles of restorative justice⁷². But now, following adoption of Law No. 11/2012 on Child Criminal Justice System (SPPA) that replaced Law No. 3/1997, the 2012 law is expected to be the best solution for handling ABH. The SPPA law has set out fundamental changes, including the use of restorative justice approach through diversion system.

There are some NGOs, for example, PKBI that for 8 years has run a program at juvenile detention center concerning empowerment of reproductive health and sexuality, for the purpose of enabling the children there to protect themselves.

4. Emerging Issues and Challenges

More and more news about physical violence, sexual crimes, also child exploitation has been reported by various media. In response to those reports, the past government issued Presidential Instruction (Inpres) No. 5/2014 on the National Movement to Eliminate Sexual Crimes against

⁷¹ <https://nasional.kompas.com/read/2019/01/08/19381211/kasus-anak-berhadapan-dengan-hukum-tertinggi-didominasi-kejahatan-seksual>

⁷² <https://www.kemenpppa.go.id/index.php/page/read/29/845/press-realese-anak-berhadapan-dengan-hukum-abh-mesti-mendapat-perlindungan-khusus>

Children that directs all stakeholders, the government, the public, and business sectors to prevent and eradicate sexual crimes against children in a coordinated and integrated manner.

In addition to rampant cases of sexual abuse and sexual crimes against children, there are other problems and challenges. Other “emerging issues” include, for example, violence against children, practices and traditions that do not really support protection for children and their growth and development, child trafficking, et cetera.

The National Disaster Mitigation Agency / *Badan Nasional Penanggulangan Bencana (BNPB)* stated that the number of refugees as a result of disasters that hit Indonesia in the last four years (January 2015 – June 2018) was 176,480 heads of households or 730,657 people. The last figure comprised 5,077 babies, 13,167 toddlers, and 156 children with special needs.

Management of child protection in disaster situations has not delivered maximum performance. Because they cannot save themselves, children face a bigger risk of becoming victims in times of disaster. Children could also suffer from physical and psychological trauma.

Because children’s basic needs, such as food, are only fulfilled at a limited scale, they then suffer from malnutrition. Limited health services, sanitation, and clean water at shelters (refugee camps), make children exposed to all kinds of diseases. Access to education, information and entertainment from mass media is also limited. Children are also at risk of acts of violence, such as being targeted for child trafficking and transportation out of disaster areas.

5. Recommendations

- Follow up on the government regulation in the lieu of law (Perppu) on Prevention of Underage Marriage and issue ministerial regulations (Permen) and recommend to every local government to issue local regulations (Perda), gubernatorial regulations (Pergub), mayoral regulations (Perwali) and village regulations (Perdes) on raising minimum age for marriage.
- Push the Bill on Eradication of Sexual Violence (PKS) to be passed soon.
- Involve all community groups in promoting the right education about reproductive health, including menstruation, in order to prevent bullying that is prompted by low awareness on menstruation. And give education on nutrition to pregnant women, in order to address maternal mortality, and children who feel the impacts of child marriage.
- Use child-friendly digital and non-digital access to inform the dangers of underage marriage and pornography.
- Create TVMas (community evaluation team) programs that will serve as an independent platform that helps the government to evaluate:
 - a) Perda/ regental regulations (Perbup)/ Perdes on prevention of underage marriage
 - b) Child-friendly districts/cities (KLA)
 - c) Health services
 - d) Existing birth certificates supported by facts and data.
- Give opportunities to victims of underage marriage, so they can grow, have their own opinion, and make decisions, by creating programs to encourage them to go back to school.
- Work together with religious and traditional (*adat*) figures in socialization of comprehensive reproductive health (Kespro) education and prevention of underage marriage at the community and schools, in collaboration with children who have talents in theatrical performance, poetry, music, and producing comics.
- New breakthroughs are necessary for improving services for communities hit by disasters, including for giving attention to children who became victims of disasters.

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