



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

Combined sixth and seventh periodic reports of States parties

Indonesia

Contents

	<i>Paragraphs</i>	<i>Page</i>
Article 2	1–12	3
Article 3	13–24	6
Article 4	25–30	11
Article 5	31–36	13
Article 6	37–52	15
Article 7	53–62	20
Article 8	63–66	24
Article 9	67–73	25
Article 10	74–96	28
Article 11	97–122	35
Article 12	123–158	43
Article 13	159–165	54
Article 14	166–187	57
Article 15	188–190	66
Article 16	191–209	67

Combined sixth and seventh periodic reports of the Republic of Indonesia on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in the State party during 2004–2009

Article 2

Policy measures to eliminate discrimination

De facto situation and intervention

1. Although it has been ratified since 1984, only a limited circle understands CEDAW in any depth. Such understanding is yet to pervade the executive, legislative and judicial branches of the government, as well as the society at large, down to the grassroots level. Gender equality, as well as what constitutes discrimination against women is understood differently by different policymakers, and efforts to synchronize the perspective and paradigm are continuing. In the context of recent decentralization and regional autonomy, despite many positive opportunities, efforts to uphold women's rights have by and large encountered significant challenges. Of particular challenge was the “euphoria” brought about by the new open atmosphere, freedom and powers that the regions now enjoy. People can now determine what is best for themselves, but this is often misconstrued with a gender-biased perspective, often legitimized by a moralistic perspective based on narrow interpretations of religious teachings that undermine women. Nonetheless, there are many positive opportunities as well. It is now possible to raise many societal problems, which were previously hidden, strengthening public participation in decision making in the process. The new atmosphere has also seen the emergence of new leaders who seriously listen to public aspirations and have the courage to make breakthroughs. This situation promotes gender equality and equity in society.

2. After receiving the Concluding comments from the CEDAW Committee, the Ministry of Women Empowerment conducted awareness raising and training on CEDAW for Ministries and institutions from the central to the provincial government levels.

3. Since 2004, a significant number of integrated policies has been adopted as part of the State's obligation to eliminate discrimination against women.

4. Law 17/2007 regarding the National Long-term Development Plan for 2005-2025; Law 21/2007 regarding the Eradication of Human Trafficking; Law 22/2007 regarding the Proceedings of General Elections; Law 2/2008 regarding Political Parties; Law 10/2008 regarding General Elections; Law 20/2008 regarding Micro, Small and Medium Enterprises; and Law 40/2008 regarding the Elimination of Racial and Ethnic Discrimination. The Government, along with the DPR, has also passed Law 44/2008 regarding

Pornography aimed at eliminating exploitation and denigration, as well as providing protection for women and children

5. There were discussions at the State level about the preparedness of infrastructure, as well as institutional and State mechanisms to confidently ratify the Optional Protocols, considering the significant consequences and responsibilities that are entailed. To that end, the government is currently preparing an academic text for the ratification of the Optional Protocols.

Achievements

6. Various ministries have formulated and implemented policies, programmes and activities to reduce gender inequality in their respective sectors under the coordination of their gender focal points and gender working groups. At the sub-national level, some have even established best practices in achieving gender equality, for example, the enactment of regional by-laws on gender mainstreaming have motivated sub-national governments to engender their regional planning and budgeting. Regional by-laws on combating trafficking have decreased trafficking in persons in some provinces, while regional by-laws on the elimination of domestic violence have motivated victims to report to law enforcement officers and units/institutions established at the sub-national level to assist women victims of violence. They have been used to handle cases as well as promote women's status.

7. Eliminating discrimination is one of the visions of Indonesia's Unity Cabinet. The most tangible achievement is the openness and awareness about rights and obligations of the people and the State, as well as greater public participation in striving for a better life. Civil society and non-governmental organizations can voice aspirations freely, including issues relating to women's rights. The legislative body has a Parliamentary Female Caucus. The media is highly involved in the oversight of the implementation of human rights. There are several national commissions, including the National Commission for Human Rights, National Commission for Eradication of Violence against Women (Komnas Perempuan), National Commission for Senior Citizens, Indonesian Commission for the Protection of Children, the National Ombudsman Commission, which also oversee the implementation of human rights.

8. The Department of Law and Human Rights has issued guidelines for drafting regional by-laws to prevent contradiction with superior laws and to ensure that they were not gender-biased. The Department of Home Affairs has also issued guidelines to provincial and municipality governments on drafting regional by-laws with the principles of non-discrimination, including against women, and promotion and protection of human rights and gender equality.

Challenges

9. Although the Constitution of Indonesia guarantees the equality of men and women in the country, as reflected in various relevant legislation, policies and programmes, their implementation remains a challenge. Taking into account the vast geographical size and number of population, as well as the current decentralization process, dissemination and raising-awareness programmes are indeed a continuous effort. Gap of commitments particularly among human rights mechanisms at the regional level has brought about different progress on the implementation of human rights-related legislation, policies and programmes.

10. Similarly, lack of commitment and understanding among the executive, legislative and judicative authorities has also given rise to policies and decisions with no human rights perspectives. This is reflected in various national and local by-laws which not only discriminate against women, but also violate the rights of women.

Initiatives and actions taken

11. An important measure to address the challenge of regional autonomy is the passage of Government Regulation 38/2007 regarding the Distribution of Governance between the Central, Provincial and District/Municipality Governments, which has had implications on Government Regulation 41/2007 regarding the Organization of the Regional Apparatus. Policies and the implementation of gender-mainstreaming programmes at the provincial and regency/municipality levels were affected. The powers of the regional offices specifically tasked for gender mainstreaming are now more extensive, and it is easier to execute planned activities.

12. An important initiative in the second semester of 2009 was the institutional strengthening of gender mainstreaming in terms of human resource and gender-responsive budgeting through Finance Minister Regulation No.119/2009 regarding Guidelines for the Drafting and Assessment of Ministerial Activity Plans and Project Lists. Its application was launched in 2010, and seven ministries/institutions were established as pilot agencies, namely, Bappenas, Ministry for Women's Empowerment and Child Protection, Department of Finance, Department of National Education, Department of Agriculture, Department of Health, and Department of Public Works.

Article 3

Mechanism and programmes to promote the advancement of women

De facto situation

13. The Ministry for Women's Empowerment and Child Protection is the national machinery for the advancement of women and the achievement of gender equality through the implementation of the gender-mainstreaming strategy in all sectors of development, while the mechanism at the sub-national level is under the coordination of vice governors and vice regents all over Indonesia. Each line ministry has established respective focal points and gender working groups to coordinate gender-responsive planning and budgeting in their ministries. At the sub-national level, regional development planning is the head of the gender working groups, which is made up of members from gender focal points of sub-national government agencies. Lack of commitment by decision makers, lack of capacities and skills relating to gender analysis in the focal points, lack of disaggregated data were some of the common problems faced at the national and sub-national levels.

Intervention and achievements

14. To accelerate the implementation of gender mainstreaming within government institutions, both at the national and sub-national level, the State Ministry for Women Empowerment and Child Protection has been awarding the *Parahita Ekapraya Award*, or Gender Award, on Mother's Day since 2005 to government institutions and regions that have showed noteworthy progress and achievements in the implementation of gender mainstreaming. Until now, eight government institutions have been awarded, ranging from beginner to medium level, while eight provinces and fourteen municipalities have received gender awards, ranging from beginner to advance level.

15. The line item in the national budget for national education and health has showed a steady increase each year. The Constitution sanctioned 20% of the National Annual Budget for education. This means that more poor families with more children, girls and boys will have equal opportunity to obtain equal access to education. Combined with regional contributions, the budget for education far exceeds the budget items for other sectors. The budget for government programmes for the poor has also showed a yearly increase. There were also agricultural revitalization programmes through the provision of micro-credit, capital strengthening of farmer groups, provision of cheap fertilizers, and provision of high-quality seeds for poor families, women and men farmers. Efforts on economic empowerment of coastal communities and revitalization of fisheries focus on increasing production to improve the income of farmers and fishermen. Pro-people programmes combining the 'fish

dan hook' method, included direct assistance such as the Hopeful Family Programme (for pregnant women, families with school-age children and the under-5), Rice for the Poor (for families, including women-headed households), Public Health Insurance, School Operational Assistance (for poor families with school-age boys and girls), Direct Cash Assistance. There are also community empowerment programmes through the National Community Empowerment Programme (PNPM Mandiri) and micro, small and medium enterprise development and cooperatives which provide collateral credit facilities especially for women cooperatives and groups of women in the productive economy. PNPM Mandiri consists of the Sub-district Development Programme (PPK), Urban Poverty Mitigation Programme (P2KP) and Development Acceleration for the Underdeveloped and Special Regions (P2DTK). Since 2008, it was expanded to include the Regional Socio-Economic Infrastructure Development Programme (PISEW). All are intended to be gender-responsive.

16. Key to the success of these programmes and aimed to ensure the promotion of the lives of women is reform of the bureaucracy. Many regions have conducted bureaucratic reforms to increase transparency and public participation while cutting costs. Lebak Regency in West Java adopted an idea that originated from the public. In 2004, with government support, the local Parliament passed a By-law on Transparency and Participation. Kebumen Regency in Central Java has public involvement in all decisions and development policy-making, as sanctioned by Kebumen By-law 43/2004 regarding public participation. Kebumen also used government television broadcasts (Ratih TV) to gather citizen's input. Since 2000, Blitar in East Java has had an online Administration and Information System for Civil Servants to connect all government levels from mayors to localities. It made breakthroughs to improve institutional performance, and it reorganized citizen archives. The government of the City of Balikpapan in East Kalimantan has been issuing special Identification Cards for the poor, provided scholarships and seed capital for small enterprise, simplified permit systems, and death certificates. Local government institutions were streamlined for efficiency and efficacy. For example, the National Family Planning Office was combined with Public Empowerment office to become the Family Planning and Social Empowerment Agency.

17. Several regions have begun instituting one-stop service to increase protection and empower women that includes ID cards, Birth Certificates, Marriage Certificate, Divorce Certificates and Death Certificates.

18. At the regional level, there were not many policies that focus directly on the elimination of discrimination and/or ensure the progress of women. Despite the fact, pro-people regulations and policies in general have had both direct and indirect positive effects for women. This was because women could

represent the poor, the uneducated, and the elderly. Several examples of Regional Governments with pro-people and gender-responsive regulations include Purbalingga with (1) the rolling of stimulus funds to renovate houses of the poor that was intended at the same time to foster the spirit of social solidarity and self-reliance; (2) Labor-intensive Food Programme, that combined poverty eradication, opening new jobs and agriculture; (3) Public Health Maintenance Programme, cross-subsidy health insurance programme. The City of Balikpapan, East Kalimantan, through Regional By-law No. 08/2004 regarding Poverty Eradication, empowered street youth with 23 sets of skills, from driving, mechanic skills, electronics, sewing, culinary skills. Musi Banyuasin Regency, South Sumatra, and Indramayu, West Java, have exceeded the constitutional requirement by allotting the budget for education at more than 20%. Since 2002, free education has been implemented in phases in Musi Banyuasin, initially for primary and middle education in public schools, and in 2005, free education was also afforded to primary and middle education at Islamic schools. In 2006, private schools also started giving free education. Since 2007, free education also applies to higher education, namely at Sekayu Nursing and Polytechnic Academy. Yogyakarta gives great attention to public health services at a cost of 2,000 rupiahs (20 US cents) for Yogyakarta residents and 5,000 rupiahs (50 US cents) for non-residents. The latest service is free emergency care with an ambulance through YES 118 (Yogyakarta Emergency Service 118) since 2008. The City of Solo, Central Java, has people-friendly policies: the city has (1) limited the number of big malls and mini markets; (2) carried out efforts to foster communication between different groups, including between fundamentalist groups and ethnic Chinese; (3) provided soft loans to handicraft workers, the majority of whom were women, with a 4 million-rupiah (USD 400) ceiling per person; (4) provided free health services for the extremely poor, who were mostly women, including in-patient, emergency, laboratory and radiological services, small and medium operations. Several other regions provided special care to improve the health of women and the public at large. These included Solok Regency, West Sumatra, and Jembrana Regency, Bali. Sumedang Regency, West Java, had free basic services at community health clinics, and out-patient, dental, emergency care, laboratory checks and first-child delivery at health clinics were free of charge.

19. Using limited Small Enterprise Empowerment Budget, mostly under 2% of the Regional Budget, some regional governments have attempted to promote small enterprise. These included Bantul, Purbalingga, Lamongan, Yogyakarta. Since 2005, the Cooperatives Services of Jember Regency and its subordinate structures have adopted Grameen Bank's concept to help the poor, many of whom were women. They created their own bank, *Bank Keluarga Miskin* (or *Bank Gakin*, Poor Family Bank). The bank managers were largely women with only primary school education who were trained in simple book-

keeping. South Central Timor regency in East Nusa Tenggara has By-law 17/2001 regarding Empowerment, Conservation, Development and Protection of Local Customs and Traditions and Traditional Institutions. There was acknowledgement and respect of indigenous rights, indigenous laws and the right of communities to control their social-economic resources. Since 2000, Kebumen Regency in Central Java has instituted a gender-awareness curriculum. Banten, Yogyakarta, South Kalimantan and several other provinces also have By-laws for gender mainstreaming. Central Java has a gender-responsive development “grand design,” and there is By-law 3/2009 regarding the Protection of Women and Anti Gender-Based Violence. Several other regions have anti-trafficking by-laws, including North Sumatera, North Sulawesi, East Java and West Kalimantan.

Challenges

20. Lack of synergy and coordination among decision makers sometimes creates contradictory policies. This has led to a situation where many women’s rights issues remain unattended, both at the central, and much more so, at the regional levels. Many parties, including the National Commission for Women, have identified many discriminatory regional by-laws. By 2007, the Department of Law and Human Rights had reviewed 5,518 regional by-laws, of those, 1,406 were recommended for annulment. Similarly, the Department of Home Affairs has annulled 678 regional by-laws, and 163 are currently under review.

Initiatives and actions taken

21. In response to challenges and obstacles, and to accelerate the process of gender mainstreaming, the government has prepared a draft Presidential Instruction regarding the Acceleration of Gender Mainstreaming, currently being studied by the Cabinet Secretary. According to the draft, six Ministries/Institutions will become the determinant force, including the Coordinating Ministry for People’s Welfare, Department of Finance, State Ministry for the Utilization of State Apparatus, Department of Home Affairs, Department of Law and Human Rights, State Ministry for the Empowerment of Women and Child Protection, and the National Development Planning Agency. In support of this concept also, the Minister for Development Planning has issued a decree regarding a Technical Steering Team for a Gender-Responsive Development Planning whose membership consists of government representatives.

22. The Government is also in the process of redrafting the draft law on Gender Equality. This draft is expected to have a very strategic role in overcoming the limitations of previous regulations and serve as an umbrella not only for the executive branch, but also for the legislature, judiciary,

universities and the private sector. Issues that will be addressed include affirmative action with a quota system in education, economic, political, and labor sectors; monitoring mechanisms for the implementation of gender mainstreaming to include in the substance of reporting policy and implementation, distribution of gender equality, other important matters; reporting process and period integrated with the achievement of various international commitments, such as CEDAW, Beijing Action Plan, MDGs and others. Collection of gender statistics is an integral part, and will be made publicly accessible to be used in designing public policy, formulating solutions and monitoring. Public participation is specifically addressed by way of monitoring policies of the government, regional governments, universities and the private sector in implementing gender mainstreaming, as well as budgetary issues.

23. Regional autonomy is based on the principle of revitalizing regional empowerment and this was formalized into Law 29/1999. This idea must be reinforced at all levels of decision-making so as to prevent the creation of regional by-laws that contradict superior laws. An update was made with Law 32/2004, although efforts to revise the Regional Autonomy Law are ongoing. Regional success where leaders were able to significantly advance the lives of their people could serve as good lessons.

24. Responding to the above, various civil society organizations and women's groups continue to press the State to improve its performance. Issues addressed vary widely, from education, health, environment, religion, law, politics, poverty, economy, protection of indigenous rights, and so forth. One coalition that strongly advocates pro-women policies is the Network of Pro-Women Legislation (JKP3) involving non-government organizations focusing on the issue of women's empowerment. This network has been largely successful in giving inputs to government and legislative bodies, as seen in their success to include a pro-women perspective in various laws, such as the Law on Eradication of Domestic Violence, Law on Citizenship, Law on Eradication of Human Trafficking, and the Law on Health. Realizing the importance of public oversight, and mindful of the need to strengthen the perspective of the State, collaboration between the State and various mass organizations, such as the Kowani and the Family Welfare Movement (PKK) as well as civil society groups and NGOs have been and will continue to be developed in various fields.

Article 4

Special temporary measures to accelerate equality

De facto situation

25. In many places, especially among the urban middle class, changes in the mindset and in gender relations have taken place. Women and men, both as husband and wife, as well as in the professional context, are working together and respectful of each other. In spite of this, the prevailing culture puts men in charge of decision-making in the family, and women are relegated to the domestic sphere. Many still consider maternity as an exclusively female issue, and not in the greater interest of the nation as it really is. As a result, maternity protection is often deemed less important, and women are seen as responsible for their own reproductive role. The stereotypical role of men as the breadwinner and women as homemakers, despite the fact that a large number of women are working to earn a living for the family, still normatively feature in the day-to-day practice of gender relations. The public sector, in general, and the political sphere, in particular, are still considered as largely masculine. Women are left behind in all sectors, including health, labour, the economy, and politics. Although formally nothing prevents women from going into politics, culturally at the macro level, and practices in micro circles and the family are still not conducive for women to play roles as equally active and strategic as men.

Intervention

26. The State has sanctioned a 30% quota for women under Law 2/2007 regarding the Proceeding of General Elections, Law 2/2008 regarding Political Parties, and Law 10/2008 regarding General Elections. There are substantive changes regarding the right of women in politics in Law 2/2008 regarding Political Parties, in the clause stipulating the quota for women in the political party structure. Law 10/2008 regarding Elections of Members of Regional Legislative Body set a quota for women as legislative candidates. Candidacy for elected office is further regulated in Government Regulation in Lieu of Law 1/2009 regarding Changes to Law 17/2009 regarding election of members of regional legislative body considering that provisions of that law may negate the voice of the majority. As to the participation of women in formulating government policy, the State guarantees full participation of all elements of society in formulating laws (article 53 of Law 10/2004 regarding Formulation of Laws and Regulations). The establishment and active role of the Female Parliamentary Caucus has also encouraged considerable pro-women legislation.

27. Although a woman can still file taxes jointly through her husband's Tax Identification Number, it has been socialized that all citizens, including women, must have their own Tax ID. This may be instrumental in altering the prevailing socio-cultural patterns, by introducing a new paradigm that women and men are autonomous citizens. In the economic sector, special credits are available for women economic groups, for instance *Perkassa* (credit schemes specifically for women in micro and small enterprises), launched in 2006-2007 with funds from the Ministry of Cooperatives, Small and Medium Enterprise. In 2009, with Finance Minister Regulation 91/2007, the funds were set to be managed by a special body, the General Services Body (BLU), providing rolling funds. The *Desa Prima* (Independent and Progressive Indonesian Woman) village model was launched by the Ministry for Women Empowerment and Child Protection and has been adapted by provinces and regencies/municipalities using regional funds.

28. The Minister of Health and Ministry for Women Empowerment and Child Protection has signed a MoU for the provision of Child Care Facilities and Breastfeeding Facilities in government as well as private buildings, and quite a number of institutions have already implemented this regulation. Many airports, shopping centres and others public facilities are now equipped with these facilities. At the regional level, Sumedang Regency in West Java was the first regency to adopt a by-law on the health of the mother, baby and the under-five. The by-law prohibits the promotion of formula milk and obligates the provision of breastfeeding facilities in public places. Sumedang By-law 3/2008 guarantees the health of the mother and child and aims to suppress cases of maternal mortality.

29. Department of Health provides specific public health insurance for the poor. The Hopeful Family Programme (PKH) launched in July 2007 was intended specifically for poor families and included specific provisions for pregnant, breastfeeding women, or those with dependents in school. In the first phase, this programme was to be implemented in seven provinces, namely, Gorontalo, West Sumatra, DKI Jakarta, West Java, East Java, North Sulawesi and East Nusa Tenggara.

Achievements

30. More detailed achievements will be presented in specific explanations on relevant articles. In general, there has been notable progress in the education of women, as well as a significant decline in maternal and infant mortality rates. Observations have shown that women continue to play an active role in supporting the people's economy. Although there is much room for improvement, more women now hold public office (echelon I and II officials) and are actively involved in decision-making. There are now more women ministers, prosecutors, judges, governors, deputy governors, mayors and

regents and so forth. Percentage-wise, the participation of women in formal politics through legislative bodies at the central and regional levels has also increased, although the number is still below 15%.

Article 5

Sex roles and stereotypes and the importance of family education

De facto situation

31. Indonesia has the largest Muslim population in the world. The majority of the people has open, moderate views and practice gender relations of mutual respect and upholds the freedom of women. As explained in the section on Article 4, there are many in the community who practice mutual and respectful patterns of gender relation. Many women not only actively earn a living with their husbands, but de facto have become the main breadwinners in the family. Admittedly there are still groups who attach the stereotype of women in supporting roles, servants, persons behind the screen, even as those who cannot (or are not allowed) to make an independent decision. For them, the reproductive or domestic functions are still considered as the sole responsibility of women, so women continue to experience additional injustices and multiple burdens. Other issues of concern in certain communities and cultures, especially in the villages, are problems of early marriage, arranged marriage, polygamy, illegal marriage, arbitrary divorce, and other issues related to the stereotype of women as objects in their relationship with men. It must be acknowledged that the values and cultural practices, especially when framed in a justification stemming from narrow religious interpretations, are difficult to address. Meanwhile, as mentioned before, the mindset of policy makers is also varied, and a common understanding is often difficult to achieve. Whilst many limitations still persist, the following measures have been undertaken and are ongoing.

Intervention, achievements and further initiatives

32. Following the issuance of Presidential Instruction 9/2000 regarding Gender Mainstreaming, the Ministry for Women Empowerment and Child Protection actively conducted socialization, advocacy and training on the concept of gender and gender-responsive development in order to broaden horizons about gender equality and equity to eliminate discriminatory and gender-biased practices. Additionally, since 2008, the Department of Home Affairs, Department of Social Affairs, research teams and NGOs have been conducting mapping of socio-cultural values and characteristic regional issues in several provinces.

33. There are groups that legitimize customs that undermine women using pseudo-religious justifications, when in reality these have no religious bearings. In the efforts to alter discriminatory views and behaviours, the State has carried out awareness programmes through religious approaches. De-radicalization of the understanding of religious teachings is crucial to counter radicalized views in certain circles, which interpret the text very rigidly and narrowly, without regard to the societal context and a holistic understanding, which entrenches gender bias even deeper in those circles. To that end, the Department of Religious Affairs made efforts to improve the religious curriculum by combing through material, required books and learning approaches currently used, and ensuring that the material were replaced with more gender-equitable material.

34. Eliminating discrimination against women also involves civil society groups which take up an active role in the advocacy through the religious approach. Examples that stand out are programmes run by Puan Amal Hayati, Rahima and Fahmina, NGOs with strong links to many *pesantren* (Islamic boarding schools) in many regions. They campaign for Islam's partiality to justice and gender equality, starting with a deep gender-sensitive study of the book, rereading of the yellow book (*pesantren* Quranic study), and an assessment of the curriculum. Advocacy for curriculum reform is conducted in *pesantren* deemed as gender-biased, replacing their material with a religious curriculum that promotes gender equality and equity. To that end, some of these *pesantren* have introduced *Fiqh an Nisa* (female-oriented teaching) as a new curriculum on Islamic law that has to do with a new way of seeing the position and role of women that is equal to men in religious rituals, marriage, family and society. *Fiqh an Nisa* is a product of a rereading of classic interpretations that have largely discriminated against women. Based on the facts that *pesantren* and Islamic religious figures are often the first options where women, and the public, go to consult about personal problems, several NGOs have been pioneering *pesantren*-based handling of cases of violence against women. *Pesantren*-based women crisis centres currently operate in Jakarta, East Java, West Java, Madura and West Nusa Tenggara. Through these crisis centres, victim empowerment is conducted through counseling guided by religious messages that stress independence and equality of women.

35. With respect to Law 1/1974 regarding Marriage and Islamic Law Compilation that has discriminatory provisions against women, a lot of work has actually been done, although the efforts are yet to bear fruit. The Law on Marriage still sets a very young minimum age for a woman to enter into marriage. It stipulates that the husband is the head of the family, and the wife, the homemaker, and enables the husband to practice polygamy. The Islamic Law Compilation applied in civil disputes in religious courts also contains provisions that are discriminatory for women. There are officials with a stronger and sharper perspective; however, they may not always be in the

position to make strategic decisions for an issue. On the other hand, in certain cabinet periods public officials lacking such perspective could be in a more strategic position to make decisions. The civil society continues to advocate for various draft bills and laws, including replacing the Law on Marriage and Islamic Law Compilation that puts women at a disadvantage. Despite these efforts, this struggle has not yet been successful in changing the perspective of State officials in the legislative and executive branches of government.

36. A fact that many often overlook is that the process of legislating a law is a very arduous struggle involving a tug-of-war between different powers using all sorts of means which, even despite strong oversight, could sometimes produce counter-productive results. Although not a majority, there are radical groups (both religious and secular) pushing for their own agenda. On the one side, women activists wish to change the marriage age for women and the clause “husband is the head of the family,” while on the other side, some pressure groups are fighting for unconditional freedom to practice polygamy, unregistered religious marriages, and other issues. Any effort to change the marriage law must be done very carefully. If the debate and the legislation process cannot be overseen and controlled properly, new laws produced may include provisions that go against women's interests, and could even be more discriminatory for women compared to existing laws. In anticipation, the current discourse is to address the shortcomings of the law by creating implementing regulations that ensure the protection of women's rights. Key to this is ensuring that these implementing regulations do not have any gaps or weaknesses that could render them contradictory to superior laws.

Article 6

Trafficking in women and exploitation of prostitution of women

De facto situation

37. Indonesian migrant workers experience a lot of human rights abuses. They work very long hours without breaks, do forced labour, are mistreated, even sexually abused. Accused of witchcraft or killing their employers, migrant workers in Saudi Arabia and several other countries are imprisoned. Some are even on death row.

38. Many migrant workers are also victims of human trafficking. The trafficking of women and children for various purposes, including prostitution, occurs often and is a matter of concern to the State. It becomes even more difficult to handle because trafficking is influenced by the cultural context and consumerism in the community, so even families and closest people, like neighbors, friends, even spouses, often facilitate or encourage the trafficking of women and children. It gets worse when official elements are also involved

in the process, which is not a rare occurrence. Regarding the individual concerned, her entanglement is significantly affected by the need to find a job and money. As such, the handling of this issue is not yet effective. Victims are often blamed, seen as entirely responsible for what befalls them, and are even criminalized. According to IOM Indonesia, in the reporting period from March 2005 to June 2009, the total number of victims identified and assisted was 3,476, comprising 3,113 women (90%), with the rest being men. Transnational trafficking occurred most often, with more than 81% of the total.

39. IOM Indonesia data showed provinces of origin with the highest number of trafficking victims as follows (listed 1% and up): West Java (22.35% of the total); West Kalimantan (20.45%); East Java (12.51%); Central Java (11.08%), North Sumatra (6.76%); West Nusa Tenggara (6.67%); Lampung (4.98%); East Nusa Tenggara (4.14%); South Sumatra (1.99%); Banten (1.99%); South Sulawesi (1.67%); DKI Jakarta (1.50%). Far more victims were trafficked abroad (81.16%), with the main destination country being Malaysia (75.60%), followed by Saudi Arabia (1.81%), Singapore (0.81%), Japan (0.78%), and the rest to other countries. Most of the victims have elementary school education (29.40%); some elementary school (19.91%); middle/high school (19.71%). Most victims abandoned home to seek jobs or money (89.97%), the rest for family issues, personal problems, etc. Those involved in recruiting them are agents (66.86%), family members (7.77%), friends (7.13%), neighbors (7.25%); other agents include abduction, sold by boyfriends or spouses. The promised jobs were domestic worker (56%), waitress (13.55%), shopkeeper (6.04%), factory worker (5.84%), babysitter (2.96%), or other jobs. In reality, jobs to be performed include domestic work (55.41%), forced prostitution (15.65%), exploitation in transit (11.97%), plantation work (4.86%), factory work (2.50%), waitressing (2.50%), or begging, selling babies, masseuse, etc.

40. Trafficked victims could experience more than one type of exploitation, including: excessive working hours (79.46%); total deprivation of liberty (77.36%); verbal and psychological violence (74.02%); not being paid (63.78%); not paid full wage (15.88%); no access to health care when sick (58.95%); insufficient food and drink (53.42%); bad living conditions (38.20%); imprisonment (30.41%); ideological pressure (35.27%); sold to different employers (25.72%); sexual abuse (20.37%); rape (9.55%); partial deprivation of liberty (7.94%); forced drug use (9.55%); forced alcohol use (6.96%); not allowed to keep own money (8.57%). As regards how these victims free themselves, 48.91% escape; 30.12% are helped by police; 3.08% are helped by NGOs, and other means.

41. As far as impacts, of the 2,540 investigated, most of the victims had sexually transmitted infections, including chlamydia (70.16%), trichomoniasis

(6.78%), gonorrhoea (4.17%), hepatitis B (4.30%), and 1.20% were HIV positive. Psychologically, 80% showed symptoms of depression, 27% post-traumatic stress disorder, 61% had anxiety (including physical signs like chest pains), and various other symptoms. Only 8% of those identified showed psychological disturbances.

State intervention

42. Although much still has to be done, there is some progress in State intervention. As a result of good collaboration between the government and IOM Indonesia, a detailed register of identified and handled cases has been maintained, enabling a deeper understanding of the human trafficking phenomenon. This detailed register, with good categorization, from gender, age, province of origin, destination, psychological impacts, etc., and the collaboration has enabled assistance for victims of trafficking who have experienced a lot of physical and psychological abuse, social stigma as well as difficulties in seeking justice.

43. Laws addressing the issue of trafficking in women and children have been passed with Law Number 21 of 2007 on the Elimination of People Trafficking, asserting the perspective and commitment of the State to eradicate this problem. This Law will serve as a strong umbrella for the prevention, handling and resolving cases of human trafficking, a very complex problem involving many parties. Other relevant public policies and international commitment on this issue namely Law 5/2009 regarding the Ratification of the UN Convention against Trans-National Organized Crimes; Law 14/2009 regarding the Adoption of the Protocol to Prevent, Prosecute and Punish Human Trafficking especially Women and Children; Law 15/2009 regarding the Adoption of the Protocol Against Smuggling of Migrants by Land, Sea and Air. Then there is a host of other lower regulations such as Government Regulations, Chief of Police Regulation, Ministerial Decrees and Regulations, Memoranda of Understanding between Ministers, Regional By-laws, as well as inter-institutional agreements, all of which address the issue of trafficking. An important provision in Law 21/2007 regarding the Elimination of Human Trafficking is the protection for victims of trafficking from the time of recruitment until the displacement or trafficking. In regard to the fulfillment of victims' rights to truth and justice, the Law provides a set of sanctions, including administrative sanctions (for perpetrators who are corporations), imprisonment and fines. Criminal sanctions shall be imposed to any person who is implicated in human trafficking, including those who facilitate human trafficking.

44. The government (central and regional) realizes its support through the allocation of dedicated funds to manage victims and producing policies to support special work/service. To strengthen workers, government institutions

(the police, hospitals), either independently or in collaboration with other parties, conduct a variety of capacity building measures. For example, writing guidelines for handling victims and prevention, conduct training on victim handling, development of community health clinics capable of handling victims of gender-based violence, legal training for handling cases of violence and so forth. Capacity building of immigration officers in embarkation and debarkation areas is also conducted, as well as analyses of laws and MoUs in the Labor sector to make sure they are based on human rights.

Achievements

45. Mindful of the enormity of the problem, different levels of government have passed and implemented laws and regulations to address the issue. There are currently 17 by-laws in provinces, districts and municipalities that directly address trafficking, among others North Sumatra, North Sulawesi, West Nusa Tenggara, Bengkulu, Indramayu regency, and others. In its collaboration with the IOM, the Department of Social Affairs follows up trafficking cases and carries out capacity building for the police to be more responsive and capable of properly handling cases of trafficking.

46. Currently, 15 provinces and 242 (about half) out of 467 regencies and municipalities in Indonesia conduct recording and reporting of human trafficking. Within the government's trafficking task force, prevention efforts are lead by the Department of National Education, while recovery is managed by the Department of Social Affairs and Department of Health. Repatriation is conducted in collaboration with provincial and regency/municipality governments. The State Ministry for Women Empowerment and Child Protection has launched a website (www.gugustugastrafficking.org) that provides information about trafficking and trafficking cases. Task forces in regencies/municipalities also report results of their work, which is compiled on this web-based database. Recently, beginning January 2010, the State Minister for Women Empowerment and Child Protection has issued a decree on Minimum Services Standard for Integrated Services for Women and Children Victims of Violence Number 1/2010 to all relevant stakeholders in managing and providing this kind of services at the national and sub-national level.

47. In terms of criminal prosecution, more progress had yet to be achieved. National Police Criminal Investigation Body data shows that from a number of cases identified, only very little is turned over to the police, and even fewer are actually prosecuted and resolved. In spite of this, the number of cases handled by the police has increased each year. In 2004 there were 74 cases, 45 of which were resolved. In 2005, 71 cases, 40 resolved. In 2006, 84 cases, 57 resolved. While in 2007 and 2008 there was a sharp increase in cases handled by the police, 177 and 199 cases, respectively. In 2007, 88 were resolved, and

in 2008, 74 were resolved. Law 21/2007 regarding Eradication of Human Trafficking is still very recent, and will require a lot of dissemination and training for its implementation. There is still no quantitative data on the extent to which this law is implemented in legal proceedings, but several qualitative studies since the passage of this Law show that only in a few cases that law enforcement apparatus applies the Law 21/2007. This is further proof of the need for capacity building for law enforcement so that this law can be applied to the maximum extent.

Challenges

48. Lack of awareness among the public and law enforcement apparatus is the most basic challenge in prosecuting perpetrators of trafficking in persons. Handling of trafficking victims where the locus of crime is abroad is even more difficult, because Law 21/2007 does not address trafficking that takes place beyond the borders. Dissemination efforts have been conducted, but the effects are not yet palpable due to lack of monitoring and law enforcement. In the field, Women and Child Service Units (UPPA) have not been extended down to police precincts, funds are very limited, and there is a sore lack of continuation in the special handling system for psychosocial rehabilitation (online), such as health and psychological treatment.

49. In 2009, Woman and Child Service Units (UPPA) to handle all cases of violence against women, including trafficking, in all of Indonesia numbered 305 units, down to district police levels and up. Even though this seems like a high number, still more attention needs to be given to geographically challenging regions, and places located far from police posts. For example, North Maluku still has no UPPA, and Maluku only has two. Ideally the Integrated Services for Women and Children Units (P2TP2A) should handle not only cases of violence, but should serve as centres where women would go for information and empowerment. In carrying out this mandate, its human resources, standards of procedure and work mechanisms should be improved. Several successful P2TP2A can provide some best practice to be replicate by others. Limited funds and facilities, as well as lack of skill and competent human resources, are a common challenge across all institutions.

Initiatives and actions taken

50. MoWE, the State Ministry for Women Empowerment and Child Protection has developed a Minimum Service Standard for the handling of gender-based women and children victims of violence: the Minimum Service Standard for the Empowerment of Women and Protection of the Child for Integrated Services for Women and Children Victims of Violence. To improve services, the Department of Social Affairs plans to form 11 Trauma Centers and Safe Houses (RPTC) and 10 Shelters for Children (RPSA) in 2010. For

future developments, the Department of Social Affairs also has developed a minimum social services standard to include all vulnerable population targets, including the elderly, women and children.

51. The State still has a lot of homework to stamp out human trafficking and minimize migrant worker issues, including improving economic conditions of women, especially at the village level. In this regard the government encourages, among others, the development of National Community Empowerment Programme (PNPM) in trafficking-prone regions. For example, in Aceh where currently funds for P2TP2A are not available, it is suggested that PNPM funds are used in the campaign for prevention of trafficking and handling of victims. The government needs to strengthen control of labor export activity, including by implementing the single identity system for all citizens. The government also needs to take the initiative and intensify international, regional and bilateral cooperation with transit and destination countries, to tackle the issue of human trafficking. Meanwhile, data documentation system and comprehensive reporting of human trafficking must continue to be improved.

52. A good initiative by the Department of Foreign Affairs to address the issue of human trafficking and migrant workers is to provide protection to all Indonesian citizens abroad. Protection is afforded by diplomats starting from the most junior level, applying the following rules of thumb: legal approach, humanitarian approach and political approach.

Article 7

Political and public life

De facto situation

53. Generally speaking, at the informal level, quite a number of women are already actively engaged in organizations and non-government associations in the public sphere and politics. Despite this, the position of women in decision-making and their role in formulation of policies is still weak. The arena of formal politics is largely considered a masculine domain. Although there are no formal barriers preventing women from entering into politics, the patriarchal mindset and socio-cultural barriers that encourage such mindset makes it difficult for women to play roles and positions on par with men. It is fair to say that policymakers are not yet gender-responsive.

State intervention

54. As elaborated in discussions on Article 4, the State has accommodated a 30% quota for women through Law 2/2007 regarding Proceedings of General Elections, Law 2/2008 regarding Political Parties, and Law No. 10/2008

regarding General Elections. Law 2/2008 on Political Parties has made substantive changes in regard to the right of women in politics, with a specific clause specifying quotas for women in political party structure. Law 10/2008 regarding General Elections of regional legislative bodies sets a quota for women as legislative candidates. Rules for elected candidates are further stipulated in the Regulation in Lieu of Law 1/2009 regarding changes to Law 10/2008 regarding Election of Members of National and Regional Legislative Bodies, and legislated by Law 17/2009 regarding Election of Members of Regional Legislative Bodies, because provisions of that Law are considered to negate the voted majority. Regarding the participation of women in drafting government policies (laws), the State provides guarantees for full participation of all elements of society in the drafting of laws (Article 53, Law 10/2004 regarding Formulation of Laws and Regulations). In Parliament, the Women Parliamentary Caucus has been formed and has been actively working with the government and civil society to promote the formulation of much pro-women legislation.

Achievements

55. There has been an increase in the number of women holding important decision-making positions in office compared to times past, although when compared to men the number still lags considerably. For civil servants, the percentage in 2007 was as follows: echelon III positions, 14% held by women, echelon II, almost 7%, while echelon I, only 9% were held by women. Overall, the percentage of men and women is not too far apart: 56% men and almost 44% women. The overall picture in different institutions is relatively the same. However, in ministries where the job is deemed “masculine,” such as the Department of Transportation and Department of Public Works, the gap is even wider.

56. In 2008, for echelon I, 53 positions out of 556 were filled by women (8.7%). In the Police force, there was one Provincial Police Chief, and six District Police Chiefs. More women hold public office, including Ministers (4 out of 36), Secretary General of High-Level State Institutions; Supreme Court justice (1 out of 12); member of Election Commission (3 out of 7), Governor and Vice-Governor (1 each out of 33 positions); 7 out of 750 mayors/regents, and 10 deputy regents/mayors out of 450 available. Out of 73,842 village chiefs in Indonesia, 2,888 are women. 2007 data shows that there are no women in the Constitutional Court justice lineup. In 2008, one woman became a justice. The Judicial Commission as well as the Corruption Eradication Commission does not have women in key positions. Among national political parties, five are headed by women. It is difficult to obtain data from other institutions, such as the private sector. What can be said qualitatively is that there are women in high positions, but in general, the percentage is small compared to men.

57. Although the number of women parliament members is relatively small, their presence has substantially added color within the national and regional legislative bodies – a positive point. As a result, many gender-responsive policies have been made as reflected in the laws produced since 2004. New rules on quota that provide greater opportunities for women in politics have shown positive effects, adding energy and renewed spirit to women's groups to fight for representation in politics. Many women who have become members of the parliament were previously actively involved in civil society and non-governmental organizations working on women's issues. There was increased representation of women in the 2009 elections: currently 18.2% in the national legislative body, compared to 11.6% after the 2004 elections. The percentage of women in the provincial legislative body varies, from very low to relatively large compared to the previous period: in West Java, where women won 25% of the seats, 27% of the senators from the 2009 elections are women, compared to 21% in the previous period. Had there not been the Constitutional Court decision regarding the change from the preferential numbering system in the ballot to the highest vote, there may have been even more women parliamentarians.

58. In society at large, encouraging trends can also be observed, due in part to the State's openness and increased awareness regarding empowerment of people and women, in particular. The PNPM Mandiri initiative has integrated programmes to eradicate poverty. Economic empowerment programmes have also produced other results in the form of increased participation of women in planning and decision-making. The Sub-district Development Programme (PPK) is planned by the people themselves, and women's participation in meetings range from 31% to 46%. It is very interesting and encouraging that at the grassroots and the most local level, women's groups have the strongest awareness of their roles and responsibilities to develop their regions. One example is a group of women in South Kalimantan, who prevented corruption and cost markups in a road project in Pantang Baru Village, Tabukan Sub-district, by organizing a collection of money for transportation to town so that the men could check real prices. When they found out that the prices had been marked up, they insisted on uncovering the graft, and supervised the road project to make sure the funds were used properly.

59. One notable event in mid-2004 was the gathering of some 300 women heads of family from 200 villages, 27 sub-districts, 14 regencies and 8 provinces in Indonesia for the first time to foster solidarity and state their presence to the public and government at the national level. They represented 5,361 other members associated under the female empowerment programme "Pekka." Members of Pekka include divorcees, widows, wives abandoned by husbands, or whose husbands are disabled, and single (unmarried) women, from Aceh, West Java, East Java, West Kalimantan, West Nusa Tenggara, East Nusa Tenggara, North Sulawesi and North Maluku. Most of these women

are of productive age and work to provide for their dependents and children as laborers (18%), shop-owners (25%), home-based industry (9%), service industry and teachers (12%), farmers and livestock rearing (33%). Only 3% have declared themselves as jobless. Members of Pekka generally have elementary school education (50%) or no formal education (39%). The fact that these women have organized themselves is a breakthrough in itself, because they are the most marginalized, and have had the least access to resources, be it economic, information or decision-making in public life. Through the Pekka programme, women are facilitated to be involved in decision-making processes that pertain to their lives. In some regions, members of Pekka are involved in project planning in their villages: in West Java, the regional government requested their input in determining budget allocation for women empowerment programmes in the province. Pekka also built a Regional Forum network in each subdistrict to build awareness regarding their position, rights and responsibilities as individuals and citizens. The programme also facilitated members to have full control of their personal and socio-political lives. They learned to become leaders for themselves, their families and within their groups, to make various decisions, both individually and as a group; organizational skills by applying democratic principles in decision-making.

60. In the advocacy for gender equality and equity, the State actually gets help from the very active work of the women's organization network that advocates pro-women policies. Initially called JANGKA PKTP (Network for the Advocacy of Policies to Eliminate Violence against Women), the network expanded the scope of its advocacy and is now called Jaringan Koalisi Prolegnas Pro-Perempuan or JKP3 (Coalition Network for Pro-Women National Legislation). It is actively helping the government and DPR in advocating policies to be more pro-gender equality, and has played a significant role in the drafting of pro-gender equality provisions in legislation, including the Law on Elimination of Domestic Violence, Law on Eradication of Human Trafficking, Law on Citizenship, Law on Health, and many others.

Challenges

61. Lack of understanding of the principle of anti-discrimination and the concept of special temporary measures has resulted in many disadvantages for women's role in politics, as reflected in the Constitutional Court's decision No. KEP/MK/No. 22-24/PUU-VI/2008 of 23 December 2008 on the amendment of the voting pattern from the order number system to the majority vote in the legislative election. This decision, admittedly, does not reflect the substantive justice perspective for the elimination of discrimination against women as mandated by the Convention because it annuls the mechanism that would allow/facilitate the achievement of the quota for women. This is because women would have to compete from a starting position far behind

men. This is also unfortunate because in the political context of Indonesia, many quality women without sufficient funds face an insurmountable obstacle to garner the masses and votes.

Initiatives and actions taken

62. A positive initiative now gaining support in the national legislative is a provision to have at least one woman leader in each parliamentary commission. It is hoped that the State will encourage more representation of women by continuing to push for the 30% quota by improving education, whether formal, informal or non-formal, to advance the competence and capacity of women in politics. At the regional level, the West Java regional legislative took a positive initiative to provide gender mainstreaming training to members of the parliament, including men and husbands of women parliamentarians.

Article 8

International representation and participation

De facto situation

63. Data (2009) from the Department of Foreign Affairs indicates that out of the total number of 3,627 employees, 2,526 (69.64%) were men and 1,101 (30.36%) were women. The total number of diplomatic staff is 1,830, including 1,277 (69.77%) men and 533 (30.22%) women. For Echelon I in this department, 3 positions are held by women, that is 20% of the total 15 positions. At Echelon II, 7 positions are held by women, or 12.28% of 57 positions. At Echelon III, 43 positions are held by women, or 20.28% of 212 positions. Regarding leadership positions at foreign missions abroad (head and deputy): there is a total of 119 offices, with 64 head/deputy positions held by men, and 7 (9.86%) head/deputy positions held by women. This number does not include non-departmental ambassador posts. The Indonesian Congress of Women (Kowani) is part of the International Council of Women. One of the heads of the organization is a Secretary-General of the International Moslem Women's Organization and a gender-focal point at APEC and in the ASEAN region. Indonesian women have also sat as members of the CEDAW Committee.

State intervention and achievements

64. The Department of Foreign Affairs is committed to gender mainstreaming and since 2006, has formed a Working Group on Gender Mainstreaming every year. The Working Group meets, studies and provides recommendations for action plans to implement gender mainstreaming in the Department with

budgetary support. Regarding achievements in the implementation of gender mainstreaming, the Department of Foreign Affairs received the Anugerah Parahita Ekapraya of the First Order Award in 2009 from the Ministry of Women's Empowerment. There is no quota for women, or men, in the Foreign Ministry recruitment, as it is based on merit. Recruitment results since 2004 have been gender-responsive, proved by a balanced number of male and female recruits. Women also dominate the top-20 ranking in the Foreign Service School. The Department of Foreign Affairs recruitment obtained ISO 9001 certification in 2009. By grasping the importance of gender mainstreaming and the promotion of the role of women, the Department of Foreign Affairs has progressively been improving its rules and work mechanism. Foreign placement for husband-and-wife employees are arranged to be as close as possible so that spouses can work maximally without disrupting their family life. For instance, if one is posted in London, the spouse may be posted in Berlin. The appointment of Ambassadors is based on individual competency, and is not discriminatory against women.

65. While previously no woman soldier was ever sent on a peacekeeping mission, today, two women soldiers are on mission. The United Nation's Ambassador for MDG is also an Indonesian woman. Even though the representation is still small, the presence of female figures in the international arena is a driver for Indonesian women to develop their personal capacity to be able to play a greater role and serve in Indonesian delegations in international forums in various capacities.

Challenges and initiatives taken

66. There has not been significant progress to date in the role of women in international forums, especially for important positions in international organizations. Despite this, in international meetings, Indonesian delegations have involved many women as heads of delegations as well as members. As explained before, in general, it is still very difficult to obtain comprehensive data regarding the representation of Indonesian women in the international arena, because no institution is specifically monitoring and collecting data. This is the main challenge that must be addressed: monitoring and recording data from time to time to be able to measure progress.

Article 9

Laws on nationality

De facto situation

67. Prior to the passage of Law 12/2006 on Citizenship, Indonesian women in mixed marriages faced many problems and difficulties as a result of

discriminatory provisions in Law 62/1958 regarding the citizenship of the child, where one parent has Indonesian citizenship. Law 62/1958 stipulates that the citizenship of a child under 18 years of age is automatically that of his/her father. This makes it difficult for women to obtain custody of their child when the husband is no longer responsible or in case of separation. Although the court may decide that the child will be under the custody of the mother, this does not automatically lead to a change in the child's citizenship to that of his/her mother. A mother must wait until her child is 19 years old to file for a transfer of citizenship. In the interim, the mother of a child with foreign citizenship status must continually file for a visa and a stay permit every six months, which puts a strain on finances. In the event that the mother fails to apply because she is unaware of the rules or unable to pay the fee, she could be fined or even bear criminal sanctions. In many cases, children who have overstayed their visa have been deported. Aliansi Pelangi Antar Bangsa (International Rainbow Alliance) recorded that in 2006 there were at least 4,000 international marriages that ran into trouble due to this immigration rule. Other problems brought about by this male-dominant principle of single citizenship include: a woman may lose her citizenship due to marriage/divorce; an Indonesian woman cannot sponsor a non-Indonesian husband in order to stay in Indonesia; a non-Indonesian woman must be sponsored by her husband to stay in Indonesia, and she cannot work. In cases of domestic violence, a woman's situation is more difficult because the prospects of losing her child can become a reality. Another matter of concern is the vulnerability of migrant workers who are exploited, or women who are trafficked outside of Indonesia and who are often under a real threat of losing their citizenship for failing to meet administrative requirements to maintain their identity papers as Indonesian citizens.

68. Another serious issue is the basic civil right to obtain a Birth Certificate and Identity Card that not all citizens are able to enjoy due to bureaucratic reasons and the costs involved to obtain them. Many women face difficulties obtaining Birth Certificates for their children, including women who give birth out of wedlock, women in unregistered religious/traditional marriages, poor or marginalized women who may themselves not have a Birth Certificate or an Identity Card or the money to pay to obtaining such documents. Ultimately, for children, teenagers and adult women who do not have a Birth Certificate or an Identity Card, it is difficult to obtain access to public services, and they will be prone to further exploitation.

Intervention and achievements

69. Some of the problems faced by women in mixed marriages have been addressed by the passage of Law 12/2006 regarding Citizenship. A breakthrough in this Law is the provision of limited dual citizenship for children born of international marriages, until they are 21 years old. This law

guarantees a woman who marries a foreigner the freedom to choose or maintain her citizenship. Reports from the Department of Foreign Affairs show that the implementation of this law has been quite effective, as seen by the number of children of mixed marriages who are registered at several Indonesian embassies abroad. The positive effect is that Indonesian women who marry foreigners can have peace of mind in anticipating and ensuring the future of their children.

70. Currently there is an active campaign to encourage all citizens to obtain a Birth Certificate for their children. Regional governments have taken measures to cut the bureaucratic red-tape, which has had positive implications of cost efficiency in filing for Birth Certificates and Identity Cards. In Yogyakarta, in order to obtain the most complete, up-to-date demographic data that will record all citizens without exception, the local government reset the data of some 2.5 million people in December 2007. In Tangerang, Banten, the local government provides ID cards without ethnicity and religion to address problems previously faced by the ethnic Chinese community. Mindful of how closely people associate themselves with religious traditions, some religious-based or affiliated organization of different persuasions has been proactively helping their constituents to obtain Birth Certificates.

Challenges and initiatives

71. There are still many issues of concern that could harm women and potentially lead one to lose citizenship due to certain provisions in the Law on Citizenship. Article 23 stipulates the possibility that a person may lose citizenship when she has resided outside of the territory of the Republic of Indonesia for more than 5 years continuously and fails to declare the desire to remain an Indonesian Citizen in due time. Article 26 that appears to be gender-neutral may actually have different consequences for women and men. This is because in many countries there are no rules requiring a husband to follow his wife (including in citizenship), while the opposite is very likely. There is a possibility that women who marry foreigners and live abroad may experience domestic violence in such a way that will prevent her from filing to maintain her Indonesian citizenship, especially in light of trafficking cases, including “mail-order brides,” who are prone to violence and exploitation. In this regard, Article 23 states that in the event that a person loses citizenship leading to a stateless status, the person in question would still be guaranteed Indonesian citizenship. So a guarantee that an Indonesian citizen, woman or man, will not lose his/her citizenship does exist. A case in point, when handling the mass deportations from Malaysia, Indonesian citizens in Malaysia who may not have reported in 10 or 20 years were still acknowledged as Indonesian citizens. Going forward, it still must to be ensured that given the limitations in the Citizenship Law, Indonesian citizens

who are victims of exploitation and are unable, or late, to report, will be guaranteed citizenship, if the situation renders the person stateless.

72. Lack of comprehensive and continued promotion of Law 12/2006 remains the main challenge. Indonesian embassies should enhance their access and outreach to enable Indonesian women living abroad to enquire about their status in accordance with the Law. Law 12/2006 also does not yet address citizenship of women experiencing migration issues or who are currently being trafficked. For the future, Indonesian embassies plan to continue the proactive collection of data and information from relevant ministries regarding the implementation and guidelines for the Law. This effort will be integrated in the “citizen service” mechanism in Indonesian embassies. In 2009, only 15 offices had such a service for Indonesian citizens, however, the service will continue to be developed in other embassies.

73. Although measures to serve the people efficiently, effectively and at a low cost, or even free, have been initiated in many regional governments, many poor and marginalized people still face difficulties in obtaining Birth Certificates and Identification Cards. Despite clear directives that the service should be free, some still collect monies, among others, for contribution to regional government coffers. Another issue of note is that the Citizenship Law and the Child Protection Law follow different paradigms. Under the Citizenship Law, people are asked to actively take steps to protect themselves to avoid losing their citizenship, while the Child Protection Law states that the State shall take active steps to protect its citizens. It seems that paradigms and mechanisms need to be developed to allow the State to act more proactively to protect its citizens and ensure their identity and citizenship.

Article 10

Education

De facto situation

74. Illiteracy is decreasing, with a narrower disparity between women and men. The disparity of participation in and level of education between men and women has also narrowed. Observations even suggest that girls up to the higher education level tend to perform better than boys. The situation in villages and remote areas, where it is difficult for all children to access better education, is a matter of concern. In a situation of poverty, isolation and expensive transportation, girls will fall in priority over boys for obtaining education. Observations show that many girls stop going to school for various reasons, including early marriage.

75. The phenomenon of child labor and the prevalence of women and child trafficking is cause for concern and threaten not only continued education, but

also the life of a girl on the whole. There are also many gender-biased regional by-laws that can potentially restrict the movements or self-actualization of a girl. Nonetheless, in general, policies and educational programmes continue to improve, including gender-responsive policies and programmes, as reflected in the government's budget commitment for education.

76. School curricula still focus on sciences and cognitive skills. Formal education is yet to prepare students holistically with affective and psycho-motor skills to grow into responsible, confident, self-respecting individuals who also respect others and the environment. The curricula also lack health, sex and reproductive education that would enable students of both sexes to resist peer pressure, as well as societal and media pressures that flaunt sexuality. Even when reproductive education is given, the normative views and sexual taboos make such education ineffective in meeting the needs of children and teenagers.

77. Although, as a whole, the ratio of women to men teachers in Indonesia is around 57.16% (2006), textbook writers are still mostly men. Despite this fact, it is not sufficient to change the content of textbooks to be more gender-sensitive just by adding woman writers. Awareness raising and training for book writers must be provided to minimize gender bias. Not all subjects are effective for teaching gender sensitivity. Effective subjects are those that are likely to address the status of women in community life, including Indonesian Language, *Pancasila* and Civic Education, Physical Education, Languages, Arts.

Intervention

78. The Department of National Education has passed regulations and guidelines aimed at eliminating discrimination against women, including Decree 84/2008 of the Minister of National Education regarding Guidelines for the Implementation of Gender Mainstreaming in the Education Sector, from the central, provincial, regency/municipal levels and Educational Units. It has also integrated gender into the mission statements, programmes, activities and Key Performance Indicators of the National Education Strategic Plan 2010-2014. Programmes conducted include institutional gender-mainstreaming capacity building in the education sector at the central, provincial and regency/municipal levels. To address the problem of human trafficking, the Department of Education is the leading institution for the Sub-Task Force for the Prevention of Trafficking.

79. In the period 2002–2009, the Gender Mainstreaming Programme in the Education Sector was implemented in 33 provinces and 7 regencies/municipalities, with several education institutions as models. The achievements are reflected in (a) the existence and functioning of a working group on gender-mainstreaming in the education sector in the Department of

Education in 33 provinces and 7 regencies/municipalities; (b) the development of tools for gender-mainstreaming in the education sector, such as texts on gender standard message, planning and budgeting for gender-responsive education, formal/non-formal gender-responsive education unit, provincial and regency/municipality budget support for gender mainstreaming programmes, as well as partnerships with universities and other civil society institutions, such as in the gender-aware family education, studies on the gender mainstreaming policy in the education sector, as well as a position paper on gender mainstreaming in the education sector at the provincial level.

80. Several programmes have been developed, such as education access improvement for women, especially for primary education, including the construction of new school units and classrooms, provision of school operational assistance for formal education participants and learning operational assistance for non-formal education, construction of one-roof elementary and secondary schools, dormitories, open secondary schools, empowerment of Islamic boarding schools, and development of non-formal education services with a proactive system, such as the mobile tutor/class programme, learning van/motorcycle/boat, study buses, and resource barns. There are scholarships for girls, especially in the hard science group. Gender-mainstreaming capacity building for departmental and regional officials in the provinces and district/municipalities, head employers and education providers, as well as education observers has been carried out. A gender-responsive education has been developed through curriculum improvement, teaching materials, the learning process, as well as various extra-curricular activities, such as the role of girls in Scouts, school government. The government has also adopted gender-aware family education programmes to enable families to make the best decisions for educating and sending their children to school, so as not to undermine or discriminate girls. It also provides skills training and life skills for poor, uneducated and marginalized women and those who live in socially-vulnerable pockets.

81. Certain forms of early childcare and education are conducted through institutions, both those developed by the community, such as kindergartens, Islamic kindergartens, playgroups, daycare centres, early childcare education (BKB), integrated health posts (Posyandu), or other similar services. A nine-year mandatory education system is still in place, and in some regions, it has even been increased to 12 years, i.e., until high school graduation. Responding to and anticipating the job market that requires ready and skilled graduates, the government worked hard at developing and advocating the importance of Vocational Middle Schools. While in the past this option was not considered appealing or prestigious, people's perception have now changed, and they look at Vocational Schools positively as an institution that produces people who are ready to work.

82. To achieve a significant drop in women's illiteracy, the Minister of People's Welfare issued Decree No. 22/KEP/MENKO/KESRA/IX/2006 regarding the establishment of the coordination team for the national movement for the completion of mandatory nine-year basic schooling and illiteracy eradication, as well as Regulation 35/2006 of the Minister of Education regarding Guidelines for the Implementation of the National Movement for Completion of Mandatory Nine-Year Basic Schooling and Illiteracy Eradication.

Achievements

83. The Percentage of Illiteracy has drop, but work is still needed to achieve zero illiteracy. As comparison, in 1993, some 14% of the population were illiterate; in 2005, illiteracy stood at 6.62% for men and 12.85% for women; in 2008, the disparity narrowed to 4.27% for men and 7.51% for women. Every year, gender disparity in illiteracy falls by an average of 24%.

84. In general, there is progress in terms of achievements from early education to the highest levels. Overall participation in early childhood education continues to rise significantly. There is almost no gap between boys and girls enjoying education. In early childhood development for children with special needs, there is still more boys overall. Out of the total estimate of 28.12 million children aged 0-6, only 28.31% get early childhood education.

85. Generally, the rate of participation in elementary schools in Indonesia has almost reached parity for boys and girls since 2003. The secondary school level showed the best parity, with the number of female and male students balanced, ranging between 0.96 and 1.11, even 1.22 for the gross participation rating, indicating that more girls than boys were attending school. At the middle (higher) education level, efforts to promote education for girls were quite successful. In 2002/3 the gender gap at the high school level was rather wide, with a parity of 0.87. From 2005 onwards, the disparity narrowed to 0.91, even 1.06 in 2006, and remained at 0.99 in 2006/07. In the *madrassas*, the number of girls and boys is balanced, with a trend for a larger number of girls at higher levels of education. Gender balance and equality at the higher education level showed a positive trend. In 2002/2003 the number of female university students was far lower than male students, with a parity index of 0.78. In the following years, the number of female students continued to increase so that the index was relatively balanced in terms of parity (2004/2005: 0.95, and 2006/2007: 1.01).

86. From an efficiency (finishing and graduating) viewpoint, education for women was more efficient compared that for men, as indicated by the higher retention rate of women at all levels of education. Participation and retention of students in university were still relatively low for both sexes, with the retention rate of women consistently higher and improving yearly. In the

madrassas, the number of repeat students is greater for boys. Vocational schools still show a rather big gap between boys and girls. This is because majors offered in vocational schools are very sensitive to gender stereotyping. Some majors are closely related to the assumed roles of men (automotive, construction, etc), while others are strongly associated with the assumed role of women (domestic technologies, culinary skills, fashion design).

87. The Millennium Development Goals for the education sector state that by 2015, Indonesian children, girls and boys throughout the country, must finish elementary education. The achievement rate in 2009 was 94.7% of students in elementary education, 74.7% were in the last year of elementary education, and 99.4% of girls and boys between the ages of 15 and 24 were literate. In the meantime, the most recent data on gender disparity shows no difference in participation between girls and boys, but a tendency for girls to have a higher participation rate. Considering current achievements, with continuing efforts to maintain these achievements, the demands of the MDGs as stated above can be achieved and gender parity can be maintained.

Challenges

88. Despite considerable progress, many things need to be improved. In early childhood education, the number of children participating was still low, due, among others, to the low awareness of families and the public, lack of care institutions or accessibility for village communities, lack of educators/education workers in terms of numbers and competency, limited government support (central and regional) to improve access and services, and the fact that early childhood education was not yet conducted in an integrated manner with other services (such as health, nutrition, childcare and nursing). Data on dropout rates of children and teenagers must also be taken into account, not only success data. In the education sector, especially at the high school and university levels, gender inequality still persisted. Furthermore, some 13.5% of girls above 10 years of age never had any formal education. This percentage is higher than that of boys (5.97%). The school curriculum and textbooks must be checked for gender-responsiveness, and the teaching process must be continuously monitored.

89. Another issue, especially in rural areas, was the large number of girls who are married early, or who skip, or drop out of, school to help with farming work. Both in urban and rural areas, there are cases of girls expelled from school or banned from taking final examinations due to pregnancy. Sex and reproductive health education is needed for all students, and should be integrated into the curriculum with an approach that responds to the needs of children and teenagers so that they understand and are aware of the development in their sexuality and sex interests, and at the same time able to exercise self-control and take preventive measures to avoid getting involved in

risky behavior or trapped in sexual violence. For girls who get pregnant, a wiser approach is required, one that is not gender-biased, but rather non-discriminatory, in order to ensure that they will still be able to build their future well.

90. Gender segregation in certain majors or programmes as a form of voluntary gender discrimination in certain fields was still present, especially in vocational schools. The choice of majors for girls was still very much attached to domestic functions, while boys were expected to play a role in supporting the family economy, so they are expected to choose hard science, technological and industrial skills. Data showed that middle vocational schools do not yet provide equal benefits for female students, and seem biased towards boys, with a tendency to undermine female students. In higher education, the selection of majors also indicated standardized gender roles that do not support the maximal actualization of potential for all: social fields are dominated by women, while technical sciences are dominated by men.

91. Some regional leaders lack appreciation for gender mainstreaming programmes. The high rollover of regional education officials also slowed implementation of the work at hand, because every new official must start from zero to grasp the programme. Some regions still did not provide fund support through the regional budget for the gender mainstreaming programme in the education sector. With a very large fund allocation, the policies and their implementation in the education sector requires oversight from all stakeholders in order to be seriously applied for the advancement of students and society at large, as well as to ensure the implementation of gender mainstreaming and elimination of discrimination against women.

Initiatives/actions taken

92. The State realized that education is very important, and it has a clear commitment to continue to improve by dedicating 20% of the State budget for education. In some regions, local governments have allocated more than that. To accelerate gender integration in the education sector, at both the central government level and in the regions, a strategy of gender integration has been enshrined in the Department of Education 2010-2014 Strategic Plan, where gender is cited in the mission statement, programme, activities, key performance indicators. The strategy is implemented through awareness raising and technical assistance to stakeholders and education programme managers at the central and regional levels, with regard to gender mainstreaming and elimination of discrimination against women. Elimination of discrimination against women in the entire programme lineup was conducted by making sure the approach is effective, both vertically, through policies of the central and regional governments to technical executors in the

field, and horizontally, by way of various formal cooperation with universities, women's organizations, social and civil society organizations.

93. As the leading sector for the prevention of women and child trafficking, the Ministry of Education facilitated, provided guidance and support for the establishment of task and sub- task forces on trafficking prevention at source regencies/municipalities. It also formed gender mainstreaming working groups in the education sector at the central, provincial and regency/municipality levels, provided various education services accessible by women and men who are handicapped by poverty, geographic conditions, social problems and conflicts/disasters. An important issue to be included in draft guidelines on the prevention of human trafficking was prevention coordination at the central and regional government levels, prevention campaigns through mass media advertising, facilitation of prevention programmes in regencies/municipalities, development of prevention programmes in source regions through women's empowerment education, direct assistance through various social and community institutions to improve the life skills of women and enhance their income. Oversight of regional by-laws will continue to make sure local policies will not slow down efforts to advance women.

94. Efforts to reduce illiteracy in the context of social and gender justice was conducted in priority regions or provinces that have the highest prevalence of illiteracy (East Java, Central Java, West Java, South Sulawesi, Banten, West Nusa Tenggara, East Nusa Tenggara, Lampung, Bali and Papua). Five or six regencies were then designated as priority regions and special attention was given to transmigration areas, border regions, remote islands and highlands and those with difficult communication. The next phase would be to use a block system so as to gradually eradicate illiteracy from one sub-district or regency, then move on to another sub-district or regency, starting with those having the highest illiteracy rate. By the end of 2008, illiteracy was still at 5.97%, of which 4.27% among men and 7.51% among women, with a gender disparity of 3.24%. By September 2009, illiteracy dropped to 5.03% (3.23% men and 6.29% women) with a gender disparity of 3.16%. It is hoped that by the end of 2009, the 2004-2009 Medium-Term National Development Programme target and the Department of Education's Strategic Plan target of 5% illiteracy by the end of 2009 will be achieved.

95. In promoting and expanding the scope of early childhood education, the existing early childhood services will be optimized to offer education programmes as well as provide child care. The government will develop an integrated education and nursing service programme, in the form of Health Posts integrated with early childhood education, Early Childcare integrated with early childhood education, and so forth, as well as develop pilot projects for early childhood education that fit the needs of each region.

96. Data on vocational school participation still showed a wide gender disparity in spite of government efforts to promote vocational schooling to accelerate and encourage the growth of a skilled labor force. Facilitation is also needed to reduce gender segregation in universities, so that women and men are free to make choices according to their calling and best potential and to study in social and/or natural sciences without being restricted by gender stereotypes.

Article 11

Employment

De facto situation

97. In all fields of work, especially in the formal sector, the percentage of women working was far lower than men. The rules for civil service have been gender responsive and not discriminative. But in other places of work, women were still discriminated against in terms of salary, benefits, as well as opportunities for work and career development. Statistics showed that women's salaries were lower than men's in all fields. Data on open unemployment for the last several years still showed more women unemployed. Even when they worked, women filled roles of unpaid workers (71.5%). In 2005 unemployment stood at 9.3% men and 14.7% women. It got better in 2007, at 8.1% men and 10.8% women. In reality, women already actively seek to get into the labor market, but more registered job vacancies are available for men (88.67% compared to 69.38% for women).

98. Many women worked in the informal sector for many reasons, such as lack of education or lack of opportunity to enter the formal sector. Also, informal sector work is more flexible and not binding and fits better with the situation of women who are still attached to stereotypical and traditional gender roles. Notwithstanding the above, work in the informal sector was much more insecure because there was no guarantee of sustainable work and other protection. In addition, wages were lower than those in the formal sector, and working hours were often longer. A lot of women in the informal sector worked as domestic workers vulnerable to exploitation and violence.

99. With limited job opportunities domestically, many women became migrant workers. Due to the unfavorable bargaining position of Indonesia with respect to destination countries, many existing policies were incapable of effectively protecting Indonesian migrant workers. Despite ongoing improvements in policy and management, migrant workers, largely women, face exploitation, human rights violations and violence in Indonesia, during transit, while working in destination countries, and upon their return to Indonesia. In 2004, Malaysia carried out mass deportations of migrant workers who did not have

official documents. The coordinating Minister of People's Welfare reported that the number of Indonesian migrant workers who were deported reached 261,789 in 2004. Unfortunately, although it was known that women comprised the majority of those deported, there was no accurate gender-specific data. There was no strategic and comprehensive measure for prevention, much less legal protection for migrant workers experiencing exploitation, rights violation and violence.

Intervention

100. The advancement of women in the formal sector was in reference to Law 13/2003 regarding labor (right to work). The government published a Guidebook on *Equal Employment Opportunity*, based on ILO Convention No. 100 and No. 111, which was promoted to companies and employers. Regarding the protection of women's reproductive rights, there is a Joint Regulation between MoWE, and the ministries of Health and Labor (No. 48/Men.PP./XII/2008, No. Per.27/MEN/XII/2008. No. 117/Menkes/PB/2008) regarding breastfeeding facilities in the workplace, Ministerial Regulation on the accreditation of holding facilities for Indonesian migrant workers, and provisions for maternity leave. Oversight of night shift implementation was being promoted to ensure protection for women working night shifts. Other activities included raising awareness in companies and to workers about important issues, such as the rights and responsibilities of workers, risk of sexual harassment in the workplace and discrimination in wages and benefits.

101. Considering the scope and complexity of the issues, the only measure the State could take was to ensure that job opportunities were available and to encourage people to seek their own livelihood. Several policies were introduced, including Law 20/2008 regarding Micro and Medium Enterprise, People's Enterprise Credit, the Sub-District Development Programme, which will be elaborated in more detail under the section on Article 14. While these programmes were open to the general public and not specifically directed at women, they were not discriminatory, and many women accessed them. Informal sector workers, in groups or individually, can now get social security insurance coverage, such as Jamsostek (Worker's Social Insurance).

102. Although protection for domestic workers is provided for under Law 23/2004 regarding Elimination of Domestic Violence, domestic workers faced their own vulnerabilities since their bargaining position was far weaker than others in a household. Domestic workers were vulnerable to including psychological, physical, sexual, and economical violence when their wages and other rights were not paid. It was common practice that a housemaid's room cannot be locked, they cannot leave the house because the keys are kept by the employer, and they are threatened not to report to the police. Often,

housemaids are unfamiliar with the city surroundings, so it is difficult for them to seek help outside the house. The isolated life combined with inhumane working conditions result in a highly stressful life for many of these women.

103. The government has signed the International Convention on the Protection of the Rights of Migrant Workers and their Families (1990) in September 2004. Law 39/2004 regarding Placement and Protection of Migrant Workers Abroad provides for the formation of the National Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI), reaffirmed by Presidential Regulation No. 81 of 2006. In order to promote more protection for overseas women migrant workers, Law 39/2004 is slated to be revised under the 2010-2014 National Legislation Programme of the Legislative body. Furthermore, the President issued Presidential Decree 106/2004 regarding the Coordination Team for the Repatriation of Problematic Indonesian Migrant Workers and Families from Malaysia (TK-PTKIB), in response to ongoing deportations by the Malaysian authorities. TK-PTKIB still works in handling cases of regular and incidental deportation of Indonesian migrant workers from Malaysia and its efficacy is continually improving. In response to the mass deportation from Malaysia, the Ministry of Social Affairs created the Directorate of Social Assistance for Victims of Violence and Migrant Workers, a special division under the Directorate of Social Assistance and Insurance. The Directorate provides psychosocial rehabilitation programmes and oversees the reintegration of migrant workers into the community.

104. Indonesia already has several Memoranda of Understanding (MoU) with migrant worker destination countries. In 2009, the MoU between Indonesia and Malaysia regarding domestic workers allowed workers to keep their passport, and contained provisions concerning standard salary and working hours. This kind of agreement will be extended to other receiving countries.

105. At the regional level, Indonesia along with ASEAN member states signed the *ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers* on 13 January 2007. This declaration is a step forward and serves as a strong basis for measures to protect migrant worker rights, as it stipulates general principles, obligations of migrant worker host countries, obligations of migrant worker countries of origin, as well as ASEAN commitment to protect and promote migrant workers' rights. ASEAN encourages host countries to identify measures to protect fundamental human rights and honor the dignity of migrant workers, while countries of origin are encouraged to take measures to protect the rights of migrant workers. The Declaration even acknowledges that illegal migrant workers cannot be faulted for not having proper documents. It emphasizes cooperation between host countries and countries of origin to address the situation for humanitarian

reasons. The Declaration is non-binding; as such the next important step would be to uphold the commitment and make it a reality.

106. In 2004, dealing with the case of an Indonesian migrant worker facing the death penalty in Singapore, the Indonesian Embassy in Singapore took the initiative to hold a public dialogue in Indonesia, especially with organizations advocating the rights of migrant workers. In July 2004, the Indonesian Ambassador to Singapore hired a lawyer to defend the Indonesian woman on trial. This was a significant step by the Indonesian Embassy in fulfilling its public responsibility. Furthermore, the Ministry of Foreign Affairs, within the framework of Presidential Instruction 6 /2006, instituted a Mandatory Consular Notification Agreement, among others, with governments of Abu Dhabi, Kuwait and Qatar. Further to this agreement, the Indonesian Embassy will be notified immediately when an Indonesian citizen is detained.

Achievements

107. Economic growth in 2005 stood at 5.7%, eased to 5.5% in 2006, and rose again to 6.3% in 2007. In the formal and public service sectors, improvements were seen in health and reproductive health protection with an increasing number of childcare facilities and breastfeeding rooms in workplaces and public facilities. In the informal sector, economic empowerment programmes continued to foster economic empowerment in general, but of women in particular. Informal sector workers were now becoming more aware of the importance of having social insurance, including health insurance and savings for their children's education. Many regional governments instituted free or very affordable health services for this group, which will be explained further in the section on Article 14.

108. Regarding legal protection for domestic workers, a number of government institutions, such as the State Ministry for Women Empowerment and Child Protection, the Ministry of Labor and Transmigration, and the Coordinating Ministry for People's Welfare, took the initiative to prepare academic texts for a draft law to protect domestic workers. In 2010, the National Legislation programme included the draft Law on Domestic Workers on the list of laws to be discussed with the Government.

109. The formation of BNP2TKI, the special agency for the placement and protection of Indonesian Workers, had a crucial coordinating function, and members of this body represented relevant government institutions, including the Ministry of Foreign Affairs. To date, BNP2TKI has developed mechanisms for the effective placement and improved protection of migrant workers, including the application of wage standards, revocation of the license of problematic PPTKIS, and so forth. BNP2TKI is expected to play a key role in improving the protection of migrant workers, as hoped by civil society organizations advocating for migrant workers.

110. The Coordinating Team for the Repatriation of Problematic Indonesian Migrant Workers and their Families from Malaysia (TK-PTKIB) has worked effectively in dealing with the hundreds of thousands of regular and incidental deportations of Indonesian migrant workers from Malaysia. Its effectiveness was continually improving from time to time. A task force, headed by the Coordinating Minister for People's Welfare, integrates various government institutions, agencies and dependent structures. Repatriation task force units were operating in 12 key regions: Medan, Tanjung Pinang, Batam, Tanjung Balai Karimu, Dumai, Entikong, Nunukan, Pare-pare, Tanjung Priok, Tanjung Emas, Tanjung Perak and Mataram. This team also coordinated integrated work with the provinces of origin of problematic workers and Indonesian representatives in Malaysia.

111. The re-emergence of the role of Labor Unions in advocating workers rights, including women workers, deserves notice. The civil society has also seen the emergence of new NGOs advocating migrant worker protection and migrant worker issues in general. The Consortium of Defenders of Indonesian Migrant Workers (KOPBUMI) is a coalition of NGOs established in 1997 and working on migrant worker issues with the aim of encouraging the creation of a law regarding the Protection of Indonesian Migrant Workers and their Families. The Indonesian Migrant Worker Union (SBMI) is an association of migrant workers whose membership comprises former migrant workers and their families. It was initially established as the Federation of Indonesian Migrant Worker Organizations (FOBMI) in 2003, and changed its name to SBMI in 2005. Similar Indonesian migrant workers organizations have emerged in several host countries, including the Union of Indonesian Migrant Workers (Saudi Arabia), the Association of Indonesian Migrant Workers (Hong Kong), among others.

Challenges

112. Non-farming wages for women were still low, indicating a large gender disparity. In 1990, women received 29.2% of wages; in 2002, 28.3%; and in 2009, 33%. The Millennium Development Goal target for 2015 of wage justice between men and women (each receiving 50%) seems to be a long shot and will demand hard work in order to achieve it.

113. With a large population and vast geography separated by seas, the problems faced by Indonesia are very complex. At around 500,000 (BPS 2008) the annual number of job seekers is very large, although the actual number could be even higher. As a result, estimates indicated that the economy must grow at least 5% annually to be able to absorb that number. Problems still abound in the formal sector, and even more so in the informal sector. The enforcement, oversight and implementation of regulations, both in terms of resources and understanding the issue, were still very weak.

Violations, such as denial of maternity leave, substandard wages and so forth, were not sanctioned. The new phenomenon of “outsourcing” did not provide security and benefits, with sometimes even lower wages. Most companies overcame the non-conducive economic conditions with job-contract mechanisms that make workers even more vulnerable. It was difficult to be a permanent employee, as companies were hiring on an as-needed basis. Job descriptions were constantly changing in an attempt to extend temporary hiring, a practice that actually violates the Law. Women working in palm oil plantations, for example, reportedly earned very low wages doing arduous work in an environment with a high risk for sexual harassment. In the informal sector, domestic workers also did not have legal protection, although efforts were underway in that regard. Although it occurred quite often, sexual harassment in the work place was difficult to confront as there was no legal umbrella to address this problem. Measures intended to protect were sometimes seen as limiting the freedom of movement and basic liberties of women, such as the prohibition on women from going out at night or the requirement to wear “Moslem” attire in some regional by-laws.

114. The lack of extensive, comprehensive, detailed and up-to-date gender-specific background data remained a problem in addressing the problem of women at work, especially in the informal sector. This made managing and designing new and appropriate mechanisms difficult.

115. Although Indonesia signed the International Convention on the Protection of the Rights of Migrant Workers and their Families in 2004, the Convention is yet to be officially ratified. The National Agreement on the Action Programme to Handle and Manage Indonesian Migrant Workers with Human Rights Approach, drafted by the National Commission for Women and the Ministry of Foreign Affairs, is not yet a binding document because not all government institutions support the programme. The building of a dedicated Migrant Worker Terminal in airports was actually intended to protect migrant workers. Unfortunately this was not very successful as it actually gave the opportunity for further extortion of migrant workers by third parties, including illegal fees, jacked up travel costs, poor exchange rates, and an unfriendly attitude on the part of officers.

Initiatives/actions taken

116. In advocating for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and their Families, the National Commission for Women found that one of the stumbling blocks was the government’s concern that it would also be obliged to fulfill the rights of foreign workers working in Indonesia, with regard to social security, appropriate health care, and so forth. This actually should not be major concern considering that (1) the Convention stipulates that rights afforded to

foreign workers shall not exceed those afforded by the State to its citizens; (2) almost all foreign workers in Indonesia are professionals who do not require social security protection; and most importantly, (3) ratification of the Convention will protect Indonesia migrant workers abroad. For those reasons, efforts to push for the ratification of the Convention will continue. Considering that the Convention cannot be optimally implemented if the host country of a migrant worker is not party to the Convention, international cooperation is needed to pressure host countries to also accede to the Migrant Worker Convention.

117. Presidential Instruction No. 6/2006 stated that the worker's lounge areas at Soekarno-Hatta Airport, Tanjung Priok Seaport, Tanjung Perak Seaport and Juanda Airport, should be more convenient. To avoid abuse, these special areas should no longer be mandatory, but simply additional facilities. There is need for oversight and strong sanctions for officers and those committing extortion. Revision to Law 39/2004 was also in progress to ensure that provisions for the protection of migrant workers are included.

118. In 2006, the National Commission for Women conducted focus group discussions on regional by-laws in six regions: Bone (South Sulawesi), Pontianak (South Kalimantan), Sumbawa (NTB), Lampung, Cirebon (West Java) and Ponorogo (East Java). It was realized that the regional by-laws concerning migrant workers could only apply in their respective jurisdictions and could not address international problems. Those limitations would have to be addressed with other legal instruments, since the issue was interlinked with other factors, such as demography, social welfare and economic empowerment. Migrant worker protection by-laws are still strongly needed to ensure that migrant workers have a legal umbrella that starts from their place of origin.

119. The prevalence of domestic problems and divorces due to the separation of husbands and wives is another issue affecting migrant workers. In response, the Ministry of Religious Affairs and the Marriage Advisory Body (BP4) at all Religious Affairs Offices in sub-districts are empowering themselves to be able to counsel migrant workers and their families. Other ongoing improvements include better services for migrant workers in trouble, especially health services, stepping up controls on population movements in border regions, and empowering potential migrant workers in their places of origin, including providing jobs through regional development programmes as an alternative to seeking work abroad. The education of many migrant workers' children, especially undocumented children, was often neglected. To address the issue, the Ministry of National Education, in cooperation with other ministries, opened services for children of Indonesian migrant workers working in Malaysia and who live in border regions.

120. The experience of mass deportation by Malaysia was a strong lesson for the State to seriously address protection for migrant workers. At the time of the writing of this report, intensive discussions with Malaysia were ongoing in response to the prevalence of mistreatment and deportation of Indonesian migrant workers from Malaysia, which the State responded to with a moratorium in mid-2009. The government took a stronger stance to ensure the protection of its citizens. Issues currently at stake include the worker's right to keep his/her passport, and the right to one (1) day off a week. In latest discussions, agreements were arrived at on those matters.

121. Coordination with various government ministries has started direct cooperation with migrant workers' regions of origin. A pilot programme was underway in Wonogiri to prevent trafficking, by providing services and empowerment for migrant workers and their families and former migrant workers (including management of their remittances). The province of West Java is developing a programme with the Ministry of Foreign Affairs and the Province of Riau Islands to address the issue of migrant workers repatriated from Malaysia. The Indonesian Embassy in Singapore was working with a local NGO to identify and prevent cases of human trafficking.

122. Reform of the system of migrant worker issues management was ongoing with a cross-department approach involving the Ministry of Labor and Transmigration, Ministry of Home Affairs, Ministry of Law and Human Rights, Ministry of Foreign Affairs, Ministry of Transportation, Ministry of Health and Ministry of State Enterprise, simplifying the bureaucracy of placement and protection of migrant workers from 24 to 11 tables. Placement of professional migrant workers increased from 30% to 70%. The simplification of migrant worker dispatch included decentralization of permits for Migrant Worker Service Companies (PJTKI) to the regions so that potential migrant workers do not need to go to the cities, which means cheaper costs and shorter departure processing times. The government was also conducting a reorganization of private-sector migrant worker placement agencies (PPPTKIS), and establishing one-roof service embarkation and disembarkation gates, decentralization and reorganization at the provincial level and issuance of passports in the regions with a maximum 3-day processing time. A review of services in Malaysia and Singapore in 2009 showed improvement in the quality of shelter service that meets minimum needs, improvement in the role of citizen services at the airport, a task force and a hotline for migrant workers in need, education, training and skills courses scheduled every two weeks for migrant workers (with permission from their employers) who wish to develop themselves, as well as package B and C (high-school diploma) fast-track learning programmes in collaboration with the Indonesian community in association with various trade organizations, clubs, as well as local NGOs.

Article 12

Health

De facto situation

123. Nationally, the maternal mortality Rate, although declining, was still relatively high and there is need for strategic and innovative measures to lower it. The economic crisis has had its effect on people's priorities in meeting their basic daily food needs, resulting in a lower participation in the family planning programme in 2007 and 2008. There was a lack of adequate services for teenagers. Despite its importance, reproductive health education for teenagers has been a contentious issue and certain groups reject it outright. As a result, it has not been widely implemented, despite the fact that many teens are engaging in sexual intercourse, leading to teen pregnancies and a relatively high teen abortion rate. Many children did not have birth certificates, which complicates access to services and makes children and teens particularly vulnerable to exploitation, including trafficking.

124. Some regions with particular cultural characteristics required special attention and treatment, due to a higher maternal mortality rate than the national average, poverty and geographical location, which complicated the provision of health services, preference for non-medical services such as traditional healers and medicine men, as well as lack of infrastructure, such as potable water. In several regions, early marriage was still common, while in other places, women were vulnerable to sexual exploitation or trafficking, as well as sexually transmitted infections and other reproductive health problems.

125. The custom of female circumcision in Indonesia was practised in many places, including Aceh, North Sumatra, Jambi, Lampung, West Kalimantan, South Sulawesi, West Nusa Tenggara, Jakarta, West Java, Central Java, Yogyakarta, East Java and Madura. WHO has categorized female genital mutilation into four types, from symbolic (Type 1) to the most severe (Type 4), involving the cutting of certain parts of a baby's genitalia. Although many suggest that female circumcision in Indonesia was largely symbolic, WHO stated that all four types are carried out in Indonesia. This was confirmed by other independent observations: one famous doctor (WP) encountered two female patients who had lost their clitoris due to circumcision; another doctor, in Jakarta, found an incision on the tip of a baby's clitoris. Interviews with midwives revealed variations of female circumcision conducted by healers and midwives, including snips, cuts, gouges, cutting of the tip of the clitoris to draw blood, which is considered a sine qua non for female circumcision to be valid.

126. In September 2008, there were 15,136 recorded cases of AIDS in Indonesia. The total number of HIV/AIDS cases, including those who have passed away, was estimated to be twice that number. Data from 2004 to 2009

showed that cases of HIV/AIDS had more or less quadrupled. The most recent data in 2009 recorded 17,699 cases. Global AIDS estimated that Indonesia had one of the highest HIV/AIDS rates. 2008 data indicated that 24.3 % of all HIV/AIDS cases were women – a significant increase from previous years. The highest risk factor was transmission through heterosexual intercourse (46.6%) and shared needles. The age group with the highest infection rate was the most sexually active group, namely the 20-29 year olds (51.1%), followed by 30-39 year olds (29.3%). Women with HIV/AIDS required special attention given the stigma attached to victims by society, including medical workers, which prevents these women from obtaining the necessary treatment. There have been cases reported of pregnant women with HIV/AIDS who failed to get the necessary treatment when their HIV/AIDS status became known. HIV/AIDS prevention efforts were still lacking. The 2007 Demographic Survey data showed that only 61% of married women were aware of HIV/AIDS, and only half of that number knew how to avoid contracting it.

Intervention

127. The new Law 36/2009 regarding Health and Pharmacy specified a 5% budget for health care. In reality, although the budget continued to increase, most of it was used for health services in community health clinics, health posts and Social Health Insurance (Jamkesmas). The budget allocation for nutrition improvement was also increased. Social Health Insurance (Jamkesmas) replaced the health insurance for the poor programme (Askeskin). It took effect in 2008 and was aimed at poor or near-poor families. Since 2007, the PKH Programme has been ongoing in seven provinces: Gorontalo, West Sumatra, DKI Jakarta, West Java, East Java, North Sulawesi and East Nusa Tenggara. Integrated Health Post (Posyandu) service has been improved with the inclusion of nutrition provision and geriatric services (since 2005).

128. The high maternal mortality rate has been addressed with more strategic programmes since 1996, and revitalized in 2006 by the implementation of the Making Pregnancy Safer (MPS) strategy. Because the decline has been slow, the implementation of the MPS strategy was strengthened along the grand strategy of the Department of Health focusing on the P4K Programme (Birth Preparedness and Complication Readiness), Partnership of Village Midwives and Healers, Implementation of Basic Obstetric and Neonatal Emergency Services (PONED) in selected Community Health Clinics, as well as PONEK-ready Hospitals (Comprehensive Obstetric and Neonatal Emergency Services), and the Blood Transfusion Unit. Budget allocation for strengthening human resources has also been conducted along with management

improvements (including data-based planning), as well as improving the quality of maternal care.

129. Several measures have been taken, including extensification: expanding focus regions on per sub-district basis; intensification: designing various programmes; and institutionalization: institutional strengthening and innovation. Special programmes aimed at reducing maternal mortality rate included Alert Village (Desa Siaga) and Alert Husband (Suami Siaga) programmes. To improve access to health services, midwives were posted in health posts in remote villages, and doctors were sent to remote or extremely remote regions. The capacity of health workers was strengthened and basic health facilities and referrals were also improved. More concretely, intervention programmes included expanding the scope of services for pregnant women, delivery assistance by health workers, early high-risk detection, and referrals for high-risk pregnancies. Village Delivery Hut (Polindes) enabled communities to be involved in bringing midwife services closer to the target by providing a place for delivery and mother-child health services, as well as family planning. The promotion of the Mothercare Movement is conducted extensively, especially in 18 provinces with high maternal mortality rates, through the media (radio and television), aimed at increasing the awareness of the husband and the community. A sticker is affixed to the houses of pregnant women so that the community is aware, should certain actions become necessary. From the central to regional levels, there is a new awareness to give attention to pregnant and delivering mothers. West Nusa Tenggara is aiming for a zero maternal and infant mortality rate and has adopted the goal into their motto. East Nusa Tenggara has Mother and Child Health Reform, where all deliveries are assisted by competent health workers and conducted in health facilities. In many places, nutrition supplements are given to pregnant mothers (iron tablets and vitamin A for post-partum mothers), exclusive breastfeeding is promoted, supplementary food is provided for babies over 6 months, and formula is provided for babies over 3 months and born of HIV-positive mothers.

130. The reproductive health of teens, who comprise 30% of the population, is a complicated matter that still requires a lot of work. Only a few teenagers are aware of the reproductive process and their own sexuality. About 50% do not understand about fertile periods, how one becomes pregnant or their own reproductive organs. A programme on Provision of Information and Counseling on Teen Reproductive Health (PIK-PIRR) is currently under development and should be extended to sub-district levels. Gender sensitivity and family planning training is provided to health workers and community figures, from the central to village levels. However, the programme has not yet reached the entire teenage population; it is still mostly directed at female teenagers, and has not yet shown significant impact.

131. Efforts to eradicate female circumcision constitute an uphill challenge as the custom is still practiced widely and reinforced by entrenched beliefs and religious interpretations. There is even a group within the advocates of gender equality which supports the practice of female circumcision, citing a certain hadith that is interpreted as obligating circumcision for women as it is for men, and contrary to interpretations of other hadith that denigrate and discriminate women, they argue that female circumcision is actually intended to enhance a woman's sexual pleasure. To that end, it is important to ensure that there are no practices based on views that denigrate or repress a woman's sexuality, such as views that female circumcision is necessary because women need to be restrained from becoming "promiscuous." It must be ensured that no harm or bodily injury depriving a woman's sexual potential is done. Although it does not protect women, important decision makers, including the Indonesian Ulema Council, reached a positive agreement stating that any genital mutilation that is physically and sexually harmful for women is strongly opposed. The only methods of female circumcision (they approve) in Indonesia are those that do not harm women.

132. Although general observations suggest that the majority of FGM practiced in Indonesia is symbolic and/or slight snips, and not brutal genital mutilation that cuts off parts of a baby girl's genitalia, this must not detract us from the cases of bodily harm that have been found by several researchers and non-governmental organizations. To address this issue, the Director General of Public Health issued Memorandum No. HK.00.07.1.3.104.1047a (2006) stating that the practice has no health benefits. It harms and hurts women, and medical workers are prohibited from engaging in such practice. On the other hand, considering that the practice of female circumcision is so widespread and rooted in beliefs and religious interpretations, the Indonesian Ulema Council has issued a fatwa "prohibiting the prohibition" on female circumcision. This is the latest situation as of the time the report was written. Most importantly, the decision makers whose opinion is highly regarded by the people have stated that one cannot force a person to commit female circumcision and female circumcision is not prohibited on condition that the practice does not do any harm. Therefore, if one intends to continue the practice, it is suggested that the symbolic procedure be carried out without injuring the genitalia.

133. In promoting the health of women, the Indonesian Midwife Institute (IBI) has developed 10 integrated modules, with a curriculum that covers gender concepts, leadership and CEDAW. Currently there are some 600 midwife schools of varying quality throughout Indonesia. IBI is currently striving to standardize midwife education. It has designed the Bidan Delima Programme to standardize midwife education (the Delima is the symbol of midwives and refers to fertility and family harmony). Scholarships for midwife aspirants are available and will be replicated more widely. The scholarships, in cooperation

with IBI, are aimed at poor/rural women who have familial relations with healers, so they can study midwifery. In Jakarta, for instance, scholarships are allocated to women from the Thousand Islands sub-district. In central Malang, scholarships are given to participants from villages in West and East Nusa Tenggara. Students from Aceh and Nias attend midwife colleges in Jambi.

134. Birth certificates for the poor are provided free of charge in many regencies. Health services are provided free or at a low cost. The JPKMM is provided by giving first-level outpatient and inpatient services at Community Health Clinics and class II hospitals. There is also Askeskin, Health Cards and other provisions that vary from region to region.

Achievements

135. Statistics for 2007 indicate that more women have reported health concerns within the last month than men, and more people were reported sick in rural areas compared to urban areas. The percentage ratio in urban areas is 29.18% men to 29.34% women. In rural areas, it is 31.90% men to 32.46% women. The national average that includes both rural and urban areas is 30.72% men to 31.09% women.

136. Official data issued by BPS shows that the maternal mortality rate has decreased over time. In 1992, it was 425 per 100,000 births, in 1994, 390, in 1997, 334, in 2002, 307 and in 2007, it fell to 228 per 100,000 live births (SDKI 2007). Other data has been produced by other parties, but the national reference is data issued by BPS, since it is the official national source of statistics. More recent data for the following years is still not available. The decline in the maternal mortality rate is still very slow. Current numbers imply that every hour two women die in labor. The Millennium Development Goal for Indonesia for MMR is 125/100,000 in 2010, and 102/100,000 in 2015, a goal that will require extra-hard work to achieve.

137. The above is based on the increased scope of health services for pregnant women and women in labor. Nationally, the percentage for health service coverage for antenatal care has increased annually, as follows:

Three provinces with the highest K-4 coverage are DKI Jakarta (98.19%), Bali (95.10%) and Bangka Belitung Islands (90.32 %). While the two lowest are Papua (25.34%) and West Papua (45.05%). Seen from the place of where delivery assistance is provided, at the national level of SDKI 2007, as much as 53% of women still deliver at home. 73% are assisted by trained attendants, and 35% helped by healers (some of whom have received training). The lowest coverage of professional delivery assistance is in Papua (29.63%). *Desa Siaga or Alert Village* programme has been implemented in 33 provinces with different degrees of functions. Early detection and high-risk pregnancy handling need to be improved. Risk detection by health workers in 2008 was

at 64.67%, while those detected by the public (cadres, community figures, etc) was 21.25%. The coverage of high-risk pregnant women who received referrals in 2008 was 12.80%. It was higher than in 2006 (10.05%) and in 2005 (only 2.94%). Obstetric complications treated also increased, from 4.95% in 2005 to 19.94% in 2006, increasing significantly to 28.72% in 2007, and 44.84% in 2008 [1].

138. Looking at ratio, on average, one community health clinic serves 30,000 people and is expected to be able to reach the entire target population. The ratio of community clinics increased from 3.46 per 100,000 people in 2003, to 3.65 in 2007. The lowest ratio was in Banten Province (1.91), and the highest was in Papua (11.59), but this data must be considered carefully because it does not take into account local geographic conditions. Of the existing 8,234 community health clinics, 2,683 units have been upgraded to inpatient health clinics. Some regions have mobile health clinics totaling 6,631 units and 838 mobile floating health clinics in 2007. Community-based health facilities include Village Health Posts (Posyandu), Village Delivery Huts (Polindes), Family Medicine Gardens (Toga), Village Medicine Posts (POD), among others. Posyandu provides at least five priority services, including mother and child care, family planning, nutrition improvement, immunization, and diarrhea mitigation. To monitor the progress, Posyandu are grouped into four strata: Pratama, Madya, Purnama and Mandiri. The ratio of Posyandu per village/locality is 3.85, that is on average of three to four Posyandu for each village/locality. The largest ratio per village/locality is in West Sulawesi (15.84), DKI Jakarta (14.55) and West Java (7.47). The smallest ratio is in NAD (0.93), Maluku (1.31) and Papua (1.34).

139. JPKMM provides first-level outpatient and inpatient services in health clinics and class II hospitals. In 2005, outpatient visits to this facility amounted to 1,453,000, increasing to 6,921,000 in 2006 and dropping slightly in 2007 to 5,961,712. This facility has provided inpatient service for 526,000 visits in 2005, 1,580,000 in 2006 and 1,916,198 in 2007. For other free health services within the 6-month reference period in 2007 (urban and rural combined) the biggest beneficiary was West Papua (41.37); Papua (39.23); NTT (39.86); NAD (38.47); West Sulawesi (32.55); North Maluku (26.10).

140. Several regions providing free or very cheap services to the poor and vulnerable, including women, include DI Yogyakarta running YES 118 (Yogya Emergency Service 118), a free emergency service with an ambulance. Purbalingga has JPKM, a health insurance programme funded through a cross subsidy scheme. The population is broken down into three strata: poor, post-poor and able. The premium for the poor is paid for by the government, the post-poor pay 50% and the able pay the full premium. In Solo, health service is obtained with two identity cards: gold for the extremely poor, and silver for others. The free service includes inpatient care, emergency

service, laboratory and radiology, small and medium operations, blood dialysis, all unlimited for gold-card holders, and a chemotherapy package. In Solok Regency, West Sumatra, there is a community health clinic in every sub-district and people can go for health checkups in health posts for free. Normal delivery assistance is also provided for free. Since November 2006, the so-called *Jorong Siaga* Programme has been in operation, aimed at earliest illness prevention. In every *jorong* or hamlet, a public-health volunteer is appointed to oversee 15-20 families. They collect family data, medical history and obtain health training from doctors and community health clinic midwives. Jembrana Regency in Bali was among the first to provide free healthcare to its people through Jembrana Health Insurance programme. Since 2003, the regency carried out a reallocation of subsidies, initially provided to pay for medicine at District Hospitals and Community Health Clinic, now transferred to pay for insurance premiums developed by the government. Basic health services are free for everyone and the government is also developing mobile health services. Sumedang Regency plans to offer free basic health services in all Community Health Clinics. Outpatient service, dental care, emergency treatment, laboratory examination, and delivery of first child in Community Health Clinics are free. This regency is also among the first to have a by-law on maternity and infant health. This law prohibits the offering of formula milk after birth and requires breastfeeding facilities in public places. By-law 3/2008 guarantees the health of mother and child and reduces the mortality rate of delivering mothers.

Challenges

141. Male family planning participation is still very low. In DKI Jakarta, only 3% of men were identified, where male vasectomy rate is quite high. Regarding Birth Certificates, some regencies/municipalities are already issuing free birth certificates, while others still charge for it, depending on the budgeting ability of the region in question. Some, like South Sulawesi, discount it by 50%. Gender-specific data is still lacking. Gender-specific data show significantly more men than women with new cases of pulmonary TB in all provinces: 59.03% for men compared to 40.96% for women. Data for other illnesses are not yet gender specific. Provinces with the largest utilization of funds for free health services (jointly for urban and rural areas) are West Papua (41.37%); Papua (39.23%); East Nusa Tenggara (39.86%); Aceh (38.47%); West Sulawesi (32.55%); and North Maluku (26.10%). The trend in contraceptive use for fertile couples (wife between 15-49) is stagnant. This is reflected in SDKI 2002-03 survey at 60.3% and only slightly increasing in SDKI 2007 (61.4%). This could be caused by the large number of drop outs at 20.7% (SDKI 2002), and the high rate of unmet needs at 8.6% in 2002-03 increasing to 9.1% in 2007.

142. Many challenges are still present. The 5% health budget is based on WHO standards. This is actually insufficient because there are so many health workers who need funding that should not take away from programme funding. Public access to health services and contraception is still lacking. Even in Java, in certain regions health clinics do exist, but people rarely use them due to expensive transportation. It would be very good to have a mobile service, for instance, for basic health services with a van or a motorcycle, to be able to reach the people. Other challenges include cultural norms that only allow married women to enjoy the rights to reproductive health care, while in reality unmarried women are also vulnerable to reproductive problems.

143. Village midwife programmes exist, but implementation in the field is not as easy as planned. Village midwives face great difficulties and many obstacles as they must often live in remote villages on a meager salary, in a remote house, without entertainment and adequate protection. At times, communities do not fully accept their presence and most of them seek treatment from traditional healers. Village midwife programmes must be supported and facilitated by regional governments by providing housing, protection and so forth. A different salary scheme must also be created.

144. Community Health Clinics are still seen as not being gender-responsive. The service counters are sometimes too low and inconvenient for pregnant women, the waiting lounge is not very comfortable, and so forth. Service and facilities need to be improved. Generally speaking, the BKKBN departed from a gender-biased point of view, and to date is still not fully gender responsive. There has been an increase in fertility because many poor are still unable to access contraception. Unmet needs are also still quite high at 9.1% of the fertile couple population (SDKI 2007).

145. The role and responsibility of men in reproductive life is very crucial and needs to be improved. The participation of men in family planning is still very low. Detailed data on male participation is hard to come by, and availability of male contraception is also inadequate. Another obstacle to the increased use of condoms is society's view that associates condoms with the possibility of having sexual liaisons outside of the husband-wife context. Maternal mortality rates can be further reduced if husbands seriously display attention and are adequately prepared to be able to play an active role to ensure the health and preparedness of the wife in labour. To date, certain groups still have misunderstandings about religious interpretations that claim that mothers and children who die in labor/birth will be martyrs, so they are not pro-active in taking measures to prevent risks. Certain hadiths also refer about a wife's "obedience" which is often misunderstood, and which can cause late action to help the mother in labor.

146. Indonesia Survey on Health and Demography or SDKI (2007) shows that there are still many women (up to 26%), who relent on violence committed by

their husbands. The Survey also shows that women who are aware of their personal, reproductive and sexual rights have a more balanced bargaining position with their spouses, and are better able to access health services, compared to women who relent and accept their husbands' actions. As an example, 95% of women who can justify refusing sex were able to obtain pregnancy examinations, compared to 83% of women who cannot do so. This shows the importance of measures to increase awareness of women of their rights, in addition to improvements in the system, mechanisms and provision of health care.

147. A study by IMMPACT published in 2006 (see Maternal Health Policy Assessment, 2009) found the greatest risk factors contributing to mother mortality in the following order: hemorrhage; eclampsia; indirect causes; abortion complications; sepsis; prolonged labor; and anemia. Abortion complications are also among the most important causes indicating the connection between unmet needs contributing to unwanted pregnancies, followed by unsafe abortions. The government and donors tend to focus their attention more on midwives and community-based interventions in an effort to lower the maternal mortality rate. Despite this, research has shown a more complex root of the problem. Important gaps to be filled include human resources, ensuring that emergency obstetric services are widely available, and strengthening coordination between community-based facilities (e.g. village midwife) and hospital services, by prioritizing promptness, quality improvement and service competency by standardization through accreditation, certification and sanctions from professional organizations. It is also important to ensure that the national health insurance plan will cover the poor in a way that they can get the best service.

148. Teenagers face a lot of problems. With emerging sexual urges, the influence of various entertainment products, the media and peers, many engage in risky sexual behaviour, including sexual violence. SDKI 2007 shows that 24% of girls and 19% of boys begin dating before the age of 15. 10% of teenage girls are married and have children. In the meantime, society's views, including that of policymakers, is still naïve, choosing to believe that problem teens are a small "non-normative" group, whereas the numbers is actually much larger. There are existing programmes on reproductive health education, but those only focus on teenage girls, and even then, failed to empower girls. It can be concluded that there is no real service for teenagers, because all contraceptive and reproductive health services are aimed at married adults. The passage of the new Law on Health and Pharmacy is hoped to provide an umbrella for reproductive health policies and services that are friendlier towards teenagers.

149. There have been cases of pregnant teenage girls expelled from school, although there is no legal reference for such an action. The government has

not taken measures to ensure there is no gender bias in dealing with such cases. One school in Surabaya expelled a pregnant student then wrote a memorandum to other schools in the same school zone urging them not to accept the student. Facilitated by the Women Study Center and several other institutions, the community empathized with the teenage girl, and launched a campaign to challenge the school policy. Thanks to the campaign the girl managed to take the final exam. People's awareness in general is quite good and need to be strengthened to help oversee that policies do not discriminate.

150. Although some gender-specific data is now becoming available to help explain the trend over time of women with HIV/AIDS, this data is not distributed widely, and is only understood by a few who specialize in HIV/AIDS. A widespread distribution of research studies and data is needed in order to design general and special measures for population groups facing specific problems, such as pregnant mothers with HIV/AIDS who risk transmitting the virus to the unborn child. Observations have shown a strong stigma faced by women with HIV/AIDS that makes it difficult for them to obtain proper health services and treatment from existing health institutions.

151. Jamkesmas already exists, but it is yet to work well. The poorest are still not covered. Only those with Jamkesmas cards are serviced, and for that, one needs to have an Identity Card, which many still do not have. There are many seasonal unregistered residents, especially in big cities, who have difficulty obtaining health services, their basic right.

152. There are diverse views and findings on female circumcision, and this is a cause for concern to those who follow this issue. Rather than leading to excesses, it would be better to eliminate and prohibit female circumcision. The Memorandum to medical professionals not to engage in the practice is deemed insufficient, and a stronger superior regulation is needed. In contrast, there is an edict from the Indonesian Ulema Council banning the prohibition, as well as pervasive views based on certain religious interpretations that consider female circumcision an obligation. The group supporting female circumcision is also a proponent of women's rights quoting a hadith that it is necessary that a woman's clitoris be nicked just a little so that the woman can enjoy sexual intercourse. But findings show that injury and cutting also occurs, and this is a matter of concern for it may cause harm to the woman. Other groups also express concern that midwives do not get adequate training in their curriculum on how to conduct female circumcision, and the current practice is all the more worrisome because dangerous tools are employed. Mass actions that are not hygienic can also lead to other implications, such as tetanus and HIV/AIDS. The lack of controls and oversight may lead to further harm because this practice is difficult to prevent or eliminate with just a memorandum. As such, there are views that midwives and others should obtain training on standardized practice on how to conduct female

circumcision that ensures women are not harmed. Another important thing would be is to conduct a widespread, interdisciplinary, integral and holistic research in order to map the practice of female circumcision as well as study the various physical, biological, sexual, cultural, psychological and religious implications. Based on that, a better policy can be produced.

Initiatives/ actions taken

153. As with other aspects, the most basic matter is the lack of gender-specific data that also documents in detail other variables, such as rural/urban/geographical location, socio-economic conditions, age, and so forth.

154. Policymakers still hold certain gender-biased assumptions, including that contraception users are women, reproductive health education should be aimed at women, and so forth. For this reason, reproductive rights of women will be included over the next five years as a subject in the school curriculum at the Junior and Senior High School levels, and aimed at both girls and boys. BKKBN intends to promote male contraception by ensuring easy access to contraceptives, and “awarding” men who participate in Family Planning actively. As for health services for the poor, there are measures to provide the homeless and marginalized with health services without having to show ID. But access to information is still lacking and needs to be improved. Regarding birth certificates, religious institutions in several regions have been assisting and facilitating the recording of birth certificates, a creative and strategic initiative, considering the religious nature of Indonesian society.

155. Regarding reproductive health, future State intervention will be more strategic, considering that the recently passed Law 36/2009 regarding Health and Pharmacy includes two articles on reproductive health. In the introductory part of the Law, the right of the public and women to obtain information and good services is also stipulated. This will facilitate the implementation of policies at the regional government level.

156. The Department of Health, BKKBN, and NGOs, supported by UNFPA, have begun to undo sexual taboos by promoting information and services to teenagers in Community Health Clinics and youth centers in six provinces. The capacity of health workers is strengthened through various training sessions, including interventions based on behavioral change. Community Health Centers are intended to provide family planning services, mother and child care, handle various sexually transmitted diseases, including HIV/AIDS, and teen reproductive services. Partnerships with other institutions are also being developed to study and revise the National Standard of Youth-friendly Health Services in order to be implemented nationally.

157. Groups in the society are actively carrying out their own initiatives to raise awareness on gender equality and reproductive rights among teenage girls. In 2008-2009, an empowerment programme through art and literature in three Islamic boarding schools in West Nusa Tenggara was developed. Using art and literature, girls in the province are taught to express their thoughts and creativity freely and responsibly. This programme is facilitated by artists and writers. Through various forms of art, such as poems, lyrics, theatre and music, girls can study and express themes on teenage girl reproductive health, gender equality, domestic violence, marriage age, and protection from sexually transmitted infections. In addition to that, in order to foster the courage to voice their political aspirations, teenage girls are also encouraged to write letters to the Governor of West Nusa Tenggara. In order to develop leadership and organizational skills, teenage girls have also established a “discussion house” involving Islamic boarding school institutions. One of the important missions of the discussion house is to carry the message to girls in Islamic boarding schools about teenage girl reproductive health issues, gender equality, domestic violence, marriage age, and protection from sexually transmitted infections. Programmes for teenage girls through literature were adopted as one of NTB Governor's Programme in mid-2009.

158. Regarding the treatment of women and children with HIV/AIDS, much still has to be done. One of the positive practices conducted by the Tangerang City Health Office can be replicated in other regions.

Article 13

Social, economic and cultural rights and benefits

De facto situation

159. With regard to family benefits, there is still discrimination for some working women who do not receive the same benefits as men who work in the same place. This is because women are considered as “single” or “not responsible for supporting the family,” whereas in reality many women do support their families. Where previously a married woman required her husband as co-signer to obtain credit, capital or other loans, now both married women and men must get a co-signature from their spouses in this regard. Despite this, a “gender-neutral” law may still have different effects and could be more harmful for women. In sports, recreation and other activities, there is still discrimination against women. Several by-laws limiting the freedom and movements of women are in themselves a form of discrimination against women that complicates their full enjoyment of freedom.

160. This chapter also discusses elderly women and women with disabilities. The elderly (60 years and older) comprise 8.42% of the population, with less

men (7.80%) than women (9.04%), mostly in rural areas. Health complaints are relatively balanced between women and men. The combined urban-rural Workforce Rate of Participation of the elderly in 2007 was 48.51%, with that of men much higher, at 64.57% compared to 33.09% of women. No comprehensive data on the disabled is available.

Intervention and achievements

161. Since 2008, the government has conducted a campaign for all Indonesian adults to have a Tax Identification Number (NPWP). While previously a wife would be associated with her husband for tax purposes, the current trend is for a woman, who is a free individual, to have her own obligations and rights in regard to taxes. A lot of women today have their own NPWP and manage their own income taxes. There are no limitations on women to develop their personal and/or family economy. Many women cooperatives help strengthen and empower women's economies with a provision of rolling funds to obtain, inter alia, quality milking cows, ducks, chicken. There is also the "Perkassa" programme, a special assistance for Female Cooperatives in the form of cash. Product marketing expositions, both domestically and abroad, have often involved Women's Small-Medium Enterprises. There are also various entrepreneurship and management training sessions, as well as skill courses for business development. The Sub-district Assistance Programme (PPK), although not specifically focused on women, has been utilized by many women's groups for economic empowerment or promotion of health. Different departments have rolled out gender-responsive programmes, for instance, in tourism, by increasing the number of female guides, and economic empowerment of women around tourist areas.

162. For the elderly, the Law on Elderly Welfare has been elaborated in Government Regulation 43/2004 regarding the Implementation of Senior Welfare and Presidential Decree 52/2004 regarding the National Commission for Senior Citizens. Regulation of the Minister of Home Affairs 60/2008 provided for the establishment of Regional Senior Citizen Commissions, and now there are Senior Citizen Commission offices in 25 provinces. The Southeast Sulawesi Gubernatorial Decree on the establishment of Senior Support Groups is worthy of note also. There are by-laws regarding the elderly in two other provinces, East and West Java. Law 4/1997 stipulates a 1% quota for the disabled in the workforce that is obligatory for State and Regional Enterprises as well as the private sector. However, no sanctions are stipulated, and the implementation of this law is still very patchy. Meanwhile, supporting departments for gender mainstreaming and advancement of the lives of women have started giving special attention. Department of Public Works has developed a special standard to serve the disabled, with requirements for tall buildings to have special elevators and staircases. The Department of Transportation has begun giving special attention for the elderly, disabled and

pregnant women through written announcements calling for passengers to respect this group by giving up their seats on public transportation.

163. In almost all provinces and regencies/municipalities there are health posts and community clinics with senior-friendly service. In Binjai, North Sumatera, a different model for senior citizen protection has been devised, dubbed a “senior centre.” Tulung Agung, East Java, has home-care service for seniors. There are not many gender-responsive programmes and achievements for the disabled. The government's openness towards the disabled must be noted as progress. For instance in Solo, a disabled activist, Sapto Nugroho established Talenta Foundation in 1999, through which he demanded that the disabled be able to get Askes Insurance. As a result, 34 disabled persons were given the insurance. In 2005, the number of disabled with insurance coverage increased to 140 persons, and it is continuing to this day. With Sapto Nugroho's leadership, the Surakarta Consortium of Institutions for the Disabled proposed an academic text for the Draft By-law for the Equality of Basic Rights of the Disabled. At the end of 2008, Surakarta's Regional Parliament passed the Disabled Equality By-law that stipulates the rights and responsibilities of the disabled in Surakarta. In the meantime, 35 disabled poor in Jenar Sub-district in Sragen, Central Java, received two goats each, with money allocated from the surplus of Activity Management Unit, complemented with a donation from the Regent. In January 2006, the local Social Service Office registered 176 disabled in seven villages in Jenar Sub-district.

Challenges and further initiatives

164. One group that missed the government's attention is communities from sects/beliefs not recognized by the State, and the implications hit women the hardest. When getting married and trying to obtain a marriage license, members of this group must choose one of the officially acknowledged religions, otherwise, they will not receive a marriage license that will further complicate getting birth certificates for their children. This rule is discriminatory and has harmful impacts, especially because the Indonesian society attaches a strong stigma to women who have relations, especially when choosing to live together, outside of official wedlock, and even more so when children are produced from such relationships. To address this issue, MoWE is currently working on a national strategy in collaboration with the Department of Home Affairs that includes family law.

165. Sports-related policies have not paid special attention to women and female athletes. There are suggestions to include in the Sports Law clauses that female athletes have special needs, from special trainers, security of the sporting arenas and protection from sexual harassment. There is still a disparity in the awards given in sporting competitions, citing differences in the number of sets in matches as a justification.

Article 14

Rural women and poverty

De facto situation

166. The term “rural women” has widely differing meanings. The most common definition is women in rural areas and/or the farming sector, including women engaged in livestock rearing, fishery, in coastal areas, remote regions, traditional communities and the poor. As such, to facilitate the discussion, women in poor urban communities will also be discussed here (in addition to the discussion of Article 6 regarding trafficking and Article 11 regarding labour).

167. 2007 data show that there are still people who have no protected water source, electricity nor proper sanitation. This is true for women in urban areas and much more so for women in rural areas. 18.51% of the population does not have protected drinking water sources, especially in Bengkulu, East Nusa Tenggara, Central Kalimantan, Papua, and several other areas. Some regions have difficulties with electricity, and use non-PLN electricity, oil lamps, etc. These are concentrated in certain areas of Sumatera, West Kalimantan, and Central Kalimantan. In some provinces in Sulawesi, 27% use oil lamps, in Maluku up to 23%, in Papua 24%, and in East Nusa Tenggara up to 60%. Almost 23% of the population have no proper sanitation, including public facility, which means they use the backyard or rivers. Provinces with the lowest percentage of people having their own personal sanitation facilities are Gorontalo (only 29.61%), followed by West Nusa Tenggara (35.60%) and North Maluku (39.93%). In East Nusa Tenggara, most people opt for a hole in the ground for the final disposal of their waste (48.20%), and in Lampung (46.39%). In terms of birth assistance, in 2007 some 30.27% of women were assisted by healers, 2.69% by family members. Provinces where most of the women are still assisted by healers (more than 50%) are North Maluku, Maluku, West Sulawesi, Gorontalo, South-East Sulawesi. Other regions where births are assisted by families and other individuals are Papua and West Papua.

168. Women in rural areas, especially those in remote areas, experience difficulties not seen by women in urban areas. The irony is that on the one hand, Indonesia is an agrarian country where the majority of people live off agriculture. From the climate change point of view, exploitation and damage to the environment has made agriculture less attractive for the people. Villagers migrate to big cities, even become migrant workers in other countries, and policymakers have not paid adequate attention to agriculture, rural areas, indigenous communities and remote areas as much as they do for other sectors. Livelihood is very limited. Land for agriculture is shrinking and soil condition has worsened. Getting clean water and cooking fuel has become

an arduous task for women. Health services are also difficult to come by. What is more disconcerting, the hard work of meeting basic needs for food has actually brought populations and women at odds with the State apparatus, as they are often accused of damaging the environment, stealing or cultivating land not their own. Some examples: the loss of forest, which for decades served as the source for food and medicine of the people, has damaged the food security and health of the indigenous community in Molo, East Nusa Tenggara. In Manggarai, East Nusa Tenggara, a land conflict between coffee farmers and the regional government has occurred. Aside from robbing the source of people's livelihoods, this conflict has also led to the arrest of seven farmers, four of whom are women. The government claims that former coffee plantation lands cannot be cultivated by the people. They were arrested when they were digging sweet potatoes and cassava for food and accused of stealing from the forest. In other cases, women working in plantations do not have protection for their work and personal safety. They are paid low wages and vulnerable to sexual harassment. In palm oil plantations in Kalimantan, companies employ local men as foremen, and as the habit goes, after getting paid, they would gamble away the money and get drunk, creating new pressures on local women.

Intervention

169. To measure poverty, the Central Statistics Agency applies the concept of one's ability to fulfil basic needs. Poverty is seen as an economic inability to meet basic food and non-food needs, as measured from total expenditure. The Poverty Line has two components: Food Poverty Line and Non-Food Poverty Line. Food Poverty Line is expenses for the minimum need for food equivalent to 2 100 kcal per capita per day. The Non-Food Poverty Line is the minimum need for housing, clothing, education, health and other basic needs. The actual measurement can be different from year to year and from one region to another. The criteria for a poor household is a house with a floor space of less than 8 m² per person, with dirt, bamboo or cheap wood floors and bamboo, rumbia, low-quality wood or unplastered walls; no sanitation facility/sharing with other households; no electricity; water from unprotected sources; fuel from firewood, charcoal, kerosene; consumption of meat, milk, chicken only once a week; only one set of new clothes purchased per year; eating once or twice a day; unable to afford health treatment at Community Clinics. Head of family owns less than 0.5 ha of land or less, farm labourer, fisherman, construction worker, plantation worker, or other work earning less than Rp. 660,000 per month; head of household has no school or only some elementary school education; no savings or items that could be easily sold with a minimum value of Rp. 500,000, such as a motorcycle, gold, cattle, motor boats, or other capital goods. With such criteria, a household was considered as really poor, with income far below the Regional Minimum

Wage. The characteristic of poverty in Indonesia, however, was not always rigid. Many may exceed the above criteria, but their income may be hovering just around the poverty line, or generally vulnerable to poverty.

170. The Central Statistics Agency had recorded that the poor population, both urban and rural, was concentrated in Maluku and Papua (more than 32% in 2007; and nearly 30% in 2008), in Bali and Nusa Tenggara (nearly 21% in 2007 and more than 19% in 2008), and in Eastern Indonesia (almost 19% in 2007, and more than 17% in 2008). Based on more accurate calculations of the Susenas Panel in March 2007, poor regions (with at least 20% poor) were as follows: West Papua (39.31%), Papua (40.78%), Maluku (31.14%), Gorontalo (27.35%), Southeast Sulawesi (21.33%), Central Sulawesi (22.42%), NTT (27.51%), NTB (24.99%), Central Java (20.43%), Lampung (22.19%), Bengkulu (22.13%), and Nanggroe Aceh Darussalam (26.65%).

171. The smallest unit for an underdeveloped region used in the National Strategy for Fast-track Development of Underdeveloped Regions (Stranas PPDT) was the regency. This was established based on calculations using six basic criteria: economy of the people; human resource; infrastructure; local fiscal capacity (fiscal gap); regional accessibility and characteristics; and regencies in border regions and remote islands, disaster and conflict-prone regions. Based on data from the Ministry for the Development of Underdeveloped Regions, in 2006, 199 regencies were categorized as underdeveloped, i.e. 45.2% of all regencies; in 2007, this fell slightly to 42.8%. Provinces with the largest percentage of underdeveloped regions were West Sulawesi, Papua and East Nusa Tenggara.

172. The Department of Public Works launched supporting programmes that contributed to the empowerment of women in rural areas through development and management of environmental infrastructure, such as drainage, improvement of the environment, and public provision of drinking water. The programmes include Rural Infrastructure Development Programme (PPIP), Regional Infrastructure and Socio-Economic Development Programme (PISEW), and Community-based Drinking Water and Sanitation Provision Programme (PAMSIMAS). All of these programmes have been coordinated nationally since 2007 under the National Community Empowerment Programme (PNPM) Mandiri of the Coordinating Ministry for People's Welfare that was planned to continue at least until 2015. This was consistent with the timeframe for meeting the Millennium Development Goals (MDGs). PNPM Mandiri guidelines were established with the Decree of the Coordinating Minister for People's Welfare No. 25/KEP/MENKO/KESRA/VII/2007. Through these programmes, women were appointed as local community facilitators for empowerment and became members of Local Community Organizations (OMS) or Community Initiative Institutions (LKM) or Village Resilience Institutions (LKD). Obstacles faced in developing this programme

including the limited capacity of local apparatus in understanding female empowerment and the limited number of qualified female facilitators.

173. In the public works (Cipta Karya) sector, 2008 achievements include the building of drinking water facilities for 11 million people in urban and rural areas; sanitation management in 276 regencies/municipalities; drinking water capacity expansion to 15 litres per second and drinking water facility support for water-prone regions in 5,200 locations; development of wastewater systems in 276 regencies; development of regional metropolitan and large city waste disposal systems and waste disposal stimulus in 173 medium cities; stimulus for the development of drainage facility for street puddle control in cities and strategic regions in 306 locations. The government had also developed basic facilities for agropolitan villages (terminal-village-market axis road) in 238 locations in 31 provinces and community-based provision of drinking water and sanitation (PAMSIMAS). Specifically, in order to improve access by rural and suburban poor to improved facilities, as well as drinking water and sanitation, and to promote healthy living in order to achieve MDG targets in the drinking water and sanitation sector through measures of gender mainstreaming and expansion of community-based approaches, carried out in 15 provinces and 110 regencies/municipalities in 1650 localities/villages.

174. To help poor families, the government implemented a number of pro-people programmes with increasing funds combining the “hook and fish” method. These included direct assistance programmes, community empowerment through PNPM Mandiri, and micro, medium enterprise and cooperative development through the provision of credit with collateral. Currently, it was being implemented by several government departments, including the Ministry for Women's Empowerment and BKKBN. The cooperative and micro, small and medium enterprise empowerment programme in the 2004-2009 Medium Term Development Plan aimed at five main programmes, creation of a conducive business environment, programmes to develop enterprise support system, enterprise development and competitive advantage programme, micro-enterprise empowerment programme, and cooperative institution quality improvement programme. The creative economy and creative industry was also being promoted by the Department of Commerce. This included for example, the diversification of various foods to raise the cultural value and food security. The aim of this initiative was to call on all Indonesians to engage in enterprise through food innovation, so as to increase the competitiveness, both domestically and for export. MoWE provides cooperative funds with Pekka (Women Head of Household) which had been extended to 15 provinces. The main programme was economic empowerment and productivity of women head of households. There were many regional government programmes to empower the community that have positively impacted women's lives. There were also many cases of the local community with their leaders (e.g. village heads) taking the initiative to

promote their regions by various means, including using funds from Sub-District Development Programme, the achievements of which will be presented in the following section.

175. The State Ministry for Women Empowerment and Child Protection had carried out many measures to improve access of women to their economic rights focusing on efforts to eradicate poverty in coordination with relevant institutions through the Forum for the Advancement of Women Economic Productivity (PPEP). This forum consisted of many relevant institutions as well as a number of women's organizations. The impacts include (a) increased sectoral attention to the active role of women in economic activities, including by always involving women in their activities, (b) the Desa PRIMA Model (Progressive Independent Indonesian Woman) as a translation of PPEP policy developed by the State Ministry for Women Empowerment and Child Protection and adopted by various relevant sectors, such as the Department of Agriculture with their agribusiness programme, the Department of Labour and Transmigration with women's empowerment in transmigration regions. In 2007-2008 this programme managed Family Welfare Empowerment in 291 transmigration regions in 25 provinces by providing funds for family income improvement amounting to Rp. 5 million per region (c) Regional Governments had started to realize the importance of PPEP Forum integrated into PKHP Forums, and had started the coordination with regional services. The Prima Village model was being adopted in many provinces, such as in West Kalimantan, Central Kalimantan, Riau, which had conducted facilitations of Prima Village Model in all regencies/municipalities. (d) The State Ministry for Cooperatives and Small Enterprise provided funding packages for cooperatives managed by women under the PERKASSA programme that gave rolling credit of Rp. 100 million (USD 11,000) each to 197 cooperatives.

176. The government had conducted facilitation for marginalized women living near protected forests or production forests, not plantations. The women's groups work together with the Forestry Services in improving sources of income using environmental resources, such as looking for and planting lemongrass or other plants. Women in coastal areas got empowerment facilitation from the Fishery and Marine Services through the sea grass cultivation programme. In conservation areas, the Forestry Service through the Forestry Conservation Agency carried out cultivation of mangrove forests. In provinces where poverty was prevalent such as Papua, West Papua, Maluku, East Nusa Tenggara, there were general programmes that indirectly focus on women, such as infrastructure fast-track development programme.

Achievements

177. By the first half of 2009, the State Electricity Company or PLN had provided electricity to 65% of the population. The remaining 35% did not yet enjoy electricity. New sources of energy were sought for isolated areas, such as waterfalls, wind or geothermal. PLN had invited cooperatives to assist in independent energy provision, for instance, biogas electricity generation. In isolated regions of NTT, solar power was used with LED lights that were very energy efficient. People could look for energy potentials supported by PLN, perhaps only 500 watts. Since 2007, the Department of Public Works through PNPM Mandiri programme in rural public works sector, had been carrying out a community empowerment programme involving rural women with an increasing number of villages in 29 provinces, 184 regencies and 2,89X villages in 2007, 29 provinces and 3,050 villages in 2008, and in 29 provinces and 7,067 villages in 2009.

178. The agrarian reform programme has been conducted since 2007 through a phased distribution of land to people. The lands were taken from conversion forests or other lands that were legally allowed for the benefit of the people. The government assisted in certifying people's land to ensure clear legal status. In 2005, 410,362 plots of land were certified free of charge, and in 2006, 591,000 plots. Part of the cost was borne by the government (for those with income equal or less than the Regional Minimum Wage), and the land is owned by the community (mass certification initiative). The estimated cost for 400-1000 m² land was Rp. 450,000 with a maximum six months to complete the certification process. Farm credit and appropriate technology was also provided: Household Enterprise Credit (KUR); facilitation of farming production (Alsintan) that was already gender responsive, for instance, by providing motorcycles for farm trainers using a tractor; providing irrigation equipment for women; providing scooters for female farm trainers. The Department of Agriculture had also introduced noodle-making equipment for women.

179. The Sub-District Development Programme (PPK) provided direct cash assistance for the people in the amount of Rp. 500 million to 1 billion per sub-district, depending on the population size, focusing on the poorest rural communities. The people took part in a participatory planning and decision-making process on how the funds would be used. For post-disaster areas such as Aceh, Nias Islands, Yogyakarta and Klaten in Central Java, the Sub-District Development Programme included a rehabilitation programme. By the end of 2006, it had reached 34,103 of the poorest villages, or about 54% of total villages in Indonesia outside of disaster areas. This resulted in investment in more than 191,919 activities to build basic facilities, social, economic, education and health infrastructure proposed directly by the people, and designed, built and maintained by the people for the people themselves. The

benefits felt most by the people were the change in their mindset and their involvement in building their villages, and the increased capacity of the people in many fields. Other benefits included the development of new economic activities and the opening of access to production capacity that previously could not be brought to the local markets.

180. The implementation of PPK in many locations demonstrated internal returns ranging from 39% to 68%, significant savings in the cost of development, because facilities built using PPK approach were on average 56% cheaper than the same work performed by other parties. In addition, the PPK activity had provided new jobs amounting to 62.5 million man days collected from short-term work, involving more than 5.5 million workers from local communities. The implementation of PPK had indirectly been able to improve the performance of local and village governments. There was also a learning process of democracy, inviting active participation of the people, including women, in the planning and decision making for the allocation of funds. Women had played an active role in the deliberations of village development planning consultations. 60% of participants in the PPK planning deliberations came from the poorest community groups. 70% of workers in PPK facility development also came from the poorest. The participation of women in various meetings ranged from 31% to 46%. The participants were able to draw public contribution of up to 17% from the allocated funds. Government accountability and the public's role in the oversight of the programme implementation was strengthened with the involvement of NGOs and journalists in every province where the programme was run, so that the rate of misappropriation of PPK funds was very small.

181. Many regional governments had succeeded in implementing gender-responsive pro-people policies. Purbalingga Regency provided Rp. 2 million stimulus for every poor household and was able to mobilize the neighborhoods to help renovating houses. There was the Labor-Intensive Food Programme, combining poverty eradication, job opening and agriculture. It began with the surplus of harvested rice and the fall in prices. The government bought rice at set prices. The processed and dehusked rice was allocated as a benefit for local civil servants. The remainder was used to pay for Labor-Intensive Food Programme activities. This activity also enabled the building of physical infrastructure and facilities in the village, paid for by rice. Purbalingga also ran the Community Health Maintenance Insurance (JPKM) programme, a cross-subsidy-based insurance programme. Surakarta is now the most convenient home for street peddlers since it has limited the number of malls and mini-markets. Soft loans were available for home-based enterprises, such as cookie and noodle factories, catfish rearing, etc, with a very low interest rates. Since 2005, the Jember District Cooperative Service has adopted the Grameen Bank concept to help the poor. Through the Bank for Poor Families (Bank Gakin) the government has eradicated loan sharks and operated without

complicated procedures and still only at very small interest. Bank/cooperatives obtained the capital for rolling credit with a collective payment system. Non-performing loans were very small—one or two persons for every bank that may have 120 to 200 members, and even in banks where oversight was not very good. Musi Banyuasin Regency exceeded the constitutional requirement by allocating more than 20% of its budget for education. Starting in 2002, free education took effect in phases, from elementary and middle education in public schools, expanding to the equivalent level at Islamic schools, then to private schools. Since 2002, the Nursing Academy and Sekayu Polytechnic have become free as well. Five years after free education was enacted, the rate of illiteracy has dropped to zero, and gross participation in education also exceeded the national target. Bantul Regency adopted a nutrition improvement programme in schools where each pupil received three chicken hatchlings to take home and raise. There was also a budget item to improve the quality of teachers with a university degree or post-graduate education. The Papua Provincial Government was giving scholarships to its employees to improve the quality of its human resources.

182. Regarding environmental management, Bau Bau in Buton, Southeast Sulawesi, that used to be dirty, is now clean, environmentally aware and providing livelihood to its people. Bau Bau main river that used to be dirty has been cleaned, a wide pedestrian walk was made, and this has changed people's behavior. Because the river has been cleaned, the sea is now clean as well. Balikpapan, East Kalimantan, rejected coal mining upriver for its negative impacts on the river, the source of livelihood for around 600,000 people of Balikpapan. Wain River basin has now been turned into a rehabilitation zone. Bantul also showed care for the environment by providing enterprise credit for river sand miners so they would seek a new livelihood. The regency also processed garbage into compost and sold it to farmers at a subsidized price. South Central Timor Regency had By-law 17/2001 regarding Empowerment, Conservation, Development and Protection of Traditions and Traditional Institutions. There was acknowledgment and respect for the rights of the indigenous peoples, customary law, and the rights of the people control and own the socio-economic potentials. Strict efforts by the government to preserve the environment must be noted. The elders of Rimbo Tujuh Danau forests in Riau received the *Kalpataru* award in June 2009. In July, they built a road through the middle of the protected forest, which concerned many people because the forest was then threatened. They were forced to return the award.

183. Public initiative at the lowest levels, i.e. sub-district and village levels, had been quite instrumental in the advancement of the village and women. With the PPK scheme, community groups in many regions had managed on their own to provide clean water by building wells, pipes, roads and bridges and so forth in several provinces and regencies throughout Indonesia. Women

physically took part in building a kindergarten in Banggai regency, a road in Nias, and a public toilet in Hakim Village, Aceh. Using community funds through the PPK programme, a micro-hydro generator was constructed in Camba, Maros, and South Sulawesi

184. The role of women increased, including their courage to voice their rights and interests. Women in villages across the provinces and islands established loan and savings groups, peanut farming initiated by women. It was encouraging that women at the grassroots and local levels, women had strong awareness of their roles and responsibilities to build their regions. In the health sector, women took the initiative to use PPK for pap-smear checks. In West Lombok, NTB, PPK was used to provide food supplements for babies and infants.

Challenges and further initiatives

185. There was still a lot of homework to be done for the advancement of rural women. The existing data on poor women or those with limited economic conditions was not yet gender-specific and detailed in terms of geography, rural-urban, source of income and other categories. The most basic issue was to ensure identification, recording and compilation of gender-specific statistics, in greater detail and continually updated that would explain the sources of income, geographic characteristics and environmental resources. Also qualitative documentation of cases to map issues and come up with solutions was another challenge.

186. The banking sector had begun to pay specific attention to women as economic actors. Several private banks were looking into working together with micro-enterprise women groups. The central bank seemed to be opening itself to the role of women in the economy, with measures to provide banking facilities to small-scale entrepreneurs. In providing small enterprise credit, in symbolic ceremonies, women were always present as credit beneficiaries. Corporations with their Corporate Social Responsibility (CSR) programmes had started synergising in providing assistance to women's groups. Example: an insurance company provided training and funding to members of UMKM Women's Cooperative from the Street Peddlers Association of Indonesia.

187. The State Ministry for Women Empowerment and Child Protection had established a Forum concerned with women in micro-enterprises which recommended pro-micro enterprise policies; working together with Perum Pegadaian to provide access to capital for women engaging in micro and small enterprise; promoting micro finance based on Grameen Bank model implemented by NGOs. Through the Indonesian Micro-Finance Council, 4 principles of micro-finance services were understood, namely: reaching the poorest, reaching and empowering women, developing financially sustainable institutions, and measurable impacts. NGO such as Yayasan Bina Swadaya

had provided assistance to obtain micro-finance for the poor. More institutions and foundations now adopted the Grameen Bank model, including Yayasan Ganessa, Yayasan Mitra Usaha, Yayasan Darma Para Sahabat, and many more.

Article 15

Equality before the law

De facto situation

188. In the national law, women and men are equal before the law. Women are independent legal subjects, so they are also independent tax subjects. Women may act as witnesses, file cases, sign contracts, receive inheritance and parts of common assets, work or strive for economic improvement and so forth. Despite this, national laws that were 'gender-neutral' may have different effects for women and men, especially in matters that were sensitive to gender stereotyping. Additionally, in certain cultures and sub-groups, discriminatory interpretations of religious or traditional laws were still being applied, such as in matters of inheritance, the position of husband and wife, and so forth. Considering the many challenges leading to the difficulty of interventions and achievements, discussions on interventions, achievements, obstacles and initiatives will be combined in the same sub-chapter. Discussions on the implementation of this Article in certain parts will overlap with discussions on other relevant articles.

Interventions, achievements and challenges

189. The State Ministry for Women Empowerment and Child Protection had initiated several agreements with related stakeholders to help women in micro and small enterprises to obtain loans/credits without collateral for their business for example, MOU with Pawn agency. At the moment, there were 13 provinces and thousands of women who had benefitted from this agreement. Similarly, developing marketing access for women, establishment of women cooperatives in all of Indonesia (to date 2,476 women cooperatives were registered). Capital access for women had many positive implications. Women could now develop their businesses better, their confidence was increased, and their education through various trainings and courses improved. Many private banks now facilitated women in accessing capital/credit. Compared to banks, Perum Pegadaian was more easily accessible by women because the requirements were more flexible and friendly towards women.

190. Law 18/2003 on Indonesian Advocates provided opportunity for women with economic limitations and had legal issues to obtain pro bono legal assistance from advocates. This Law was strengthened by Government

Regulation 83/2008 regarding Requirements and Procedures for Pro Bono Legal Aid. There were other legal aid institutions focusing on the provision of legal aid for women (such as LBH APIK in several provinces), although in their operations they also faced many obstacles to work effectively.

Article 16

Marriage and family

De facto situation

191. With its vast area, large population, and a multitude of ethnicities and cultures, there were many variations to marriage patterns and gender relations in Indonesia. Certain gender relations were equal and mutually respectful. However, there were also those that still placed women in domestic roles with limited rights. There were even groups who promoted gender relations that increased the disparity and discrimination, such as the pro-polygamy groups. Some of these groups were even driven by women and not only limited to lower socio-economic levels or rural areas. The motor of this group seemed to be busy with her own self-interests, framed by a certain 'ideology' and strove to draw in more members. Many of them came from the educated middle class and used the justification of 'women's rights' and 'religious teachings' (marriage as a religious duty) to advocate the group's ideology.

192. This section will also discuss violence against women, particularly domestic violence, its prevention and handling. Generally, violence against women as recorded by various service organizations and documented by the National Commission for Women were increasing year on year. As comparison, there were 3,169 identified cases in 2001, 5,163 in 2002, 7,787 in 2003, 14,020 in 2004, 20,391 in 2005, 22,512 in 2006, and 25.522 in 2007. A Centre of Statistic Agency and the Ministry study in 2006, even with limitations in the methodology (direct questionnaires to the general population that were likely to be responded normatively without revealing actual facts), identified 2.27 million women who had experienced violence. The highest category was psychological abuse at 65.3%, followed by physical abuse at 23.3%.

193. The increasing reported numbers seemed to explain that society, especially women, were becoming more aware of violence against women and the domestic violence phenomenon, and were willing to reveal and report it. While previously this was a taboo and an embarrassment if revealed, now the issue of violence against women is seen as a common issue. The passage of Law 23/2004 regarding Elimination of Domestic Violence was an important milestone for public awareness. Despite this, a thorough and integrated approach in handling cases of violence against women and domestic violence

had not been carried out well. Observations indicated that many women hoping to get justice using the Law on Domestic Violence were disappointed because the legal process was lengthy, complicated and does not give a sense of justice. Hard work was still necessary to be able to provide satisfactory social and legal service.

194. The National Commission for Women is the State institution that continues to advocate the eradication of gender-based violence nationwide. From late 2002 until 2008, the Commission had been developing a documentation mechanism that was continually improving with data easily accessible by the public. Working together with other State institutions and the civil society, the Commission put together detailed documentation that included the number and distribution of cases, advocacy notes, as well as progress and regress in the handling. The annual report issued by National Commission for Women provided a clear description of cases from the personal/family level to those that involved the State, including cases in which the State failed to protect women, for instance, the creation of regional by-laws that discriminated women.

195. Although the Anti-Domestic Violence Law was progressive, other laws and regulations were not always supportive, and law enforcement still applied the old stereotypical and gender-biased mindset in resolving the family-related legal issues and domestic violence. One issue of continued concern among advocates of women's rights is the Marriage Law 1/1974 that did not place women and men on equal terms in regard to marriage age, husband-wife relations, and the possibility of polygamy for men. Despite this, there was progress in cultural practices, especially among the younger generation who shared roles more fairly inside and outside of the home. Considering the many challenges that complicated interventions and achievements, discussion on interventions, achievements, problems and future initiatives will be combined under the same sub-chapter.

Interventions, achievements and challenges

196. There were many policies at the National, Regional and Village levels following up on Law 23/2004 regarding Elimination of Domestic Violence. This was not even inclusive of the many sectoral and cross-sectoral policies developed and implemented. For example, Government Regulation 4/2006 on Implementation and Cooperation for Recovery of Victims of Domestic Violence, which served as implementation guideline and the establishment of a coordination network for the elimination of domestic violence with the Regulation of the MoWE 1/2007 aimed at cooperation between Special Service Rooms (now called the Women and Children Service Unit) in Police Stations and Integrated Crisis Units in Hospitals. Based on various regulations and policies, the State was better prepared by providing the various service

and management bodies as well as a wide opportunity for the civil society to play an active role in preventing and mitigating violence.

197. Despite efforts by policymakers in many ministries/institutions, a common understanding and perspective on discrimination against women and the concept of substantive equality/equity was yet to be achieved. In this situation progress had been slow, because conflicting views were often difficult to reconcile, for example, in efforts to revise Law 1/1974 regarding Marriage and revisions on Islamic Law Compilation (as explained in the chapter on Article 5). The specific process to revise the Marriage Law had been ongoing for years, initiated in the beginning by the Department of Religious Affairs. The difficulties faced led to the transfer of responsibilities to the Ministry for Women's Empowerment. But apparently it did not go as well. Then it was transferred back to the Department of Religious Affairs. Due to lack of progress, the responsibility was given to the Coordinating Minister for People's Welfare. Still, no significant progress was made, so that now, coordination was returned back to the Women's Empowerment Ministry. Meanwhile, the revised draft on progressive Islamic Law Compilation had actually been produced by the Department of Religious Affairs, led by a notable Muslim feminist. But due to challenges from the public, this initiative was put on hold in the meantime.

198. The Department of Religious Affairs is currently preparing the Material Draft Law on the Marriage Law to address the problems in the revision of the Marriage Law. This draft is aimed at resolving problems that often occur in the field, such as the young marriage age, polygamy, unregistered marriages that did not provide protection for women, and so forth. The Department of Religious Affairs foresees that Islamic study groups could become strategic targets for the empowerment of women, considering that most members of such groups are women. Such groups could also qualify to obtain the 20% education funding (because they are registered in the National Education System). The possible difficulties in changing the Marriage Law were anticipated by creating underlying regulations to ensure that actions would be taken against discriminatory practices and those that harm women, as well as to provide protection for women. Sanctions could be stipulated for State officials and others involved in actions that harm women, for instance, State officials allowing the marriage of underage women, and families who should be responsible for protecting their children.

199. One case that received great public attention since 2008 involves a ulema and businessman who married a 12-year-old girl. The public was strongly revolted by this case, indicating their awareness about the issue. On the other hand, many ardently defended the ulema, indicating a lack of understanding of the issue, strong gender-bias and the predominance of patriarchy. What was more disturbing was the support from the religious community. The latest

development is that the man in question has been acquitted of all charges. However, the government has taken a clear stance in not tolerating underage marriages and prosecuted the man in question, although he had been acquitted by the court. Appeals were now underway. The Department of Religious Affairs now had a programme to raise awareness about sanctions for chaplains who sanction the marriage of couples under 18 years of age. Different religious institutions took measures to minimize marriage problems, for instance, through courses and pre-marriage counseling by churches. Other ministries/institutions, such as the Department of Health, BKKBN and the Department of National Education, took the position to promote awareness of an older marriage age for women through education on reproductive health, the right to schooling, and so forth. These measures contributed to improving the situation. In certain places, the marriage age for women was indeed very young. Nonetheless, nationally the marriage age for women continued to increase. In 1993, 28.62% of women were married under 16 years of age. In 2000, the number fell to 13.68%, and in 2007, it dropped further to 11.23%. It is important to note that early marriages were much more prevalent in rural areas.

200. In 2007, a conducive debate was held in support of elimination of violence and discrimination against women. The Material Test of Law 1/1974 on Marriage, filed by the plaintiff to the Constitutional Court to remove polygamy limitations, was upheld by the Constitutional Court. Limitations on polygamy intended to prevent abuse, violence and discrimination against women was still an inseparable part of the Marriage Law. The Constitutional Court decision on Case No. 12/PUU-V/2007 was a gender-sensitive decision. Points of consideration in the decision included the provision in the Marriage Law stating that marriage in principle was monogamous, and polygamy was only allowed for reasons and under requirements and certain procedures that did not contradict Islamic teachings; provisions on the limitation of polygamy did not contradict the right to form a family, religious freedom and the right to practice religious teachings, and to be free from discriminatory treatment as provided by Article 28B, paragraph (1), Article 28E, paragraph (1), Article 28I, paragraphs (1) and (2), and Article 29, paragraphs (1) and (2) of the 1945 Constitution. Based on these considerations, the Constitutional Court had stated that the principle of marriage in Indonesia was monogamy, and limitations, as such, on polygamy were constitutional.

201. Using the political momentum of the post-tsunami recovery and the MoU between the Indonesian Government and the Free Aceh Movement in August 2005, women's groups fought for gender-responsive policies. Working closely with BRR for Aceh and Nias, women's groups mobilized themselves to promote women's rights to land and to mitigate from natural disaster in the future. As a result, a policy on co-ownership of land was adopted to enable

women to register individually or communally as landowners, as part of the Government's policy on land reform in the post-tsunami period.

202. The most important progress was the strengthening of the women's rights perspective at all levels of policymaking from central down to regional governments, to address pending problems that may have harmful implications for women. Among the urgent issues on the table were gender-biased by-laws, draft revision of various laws that must be ensured to be gender-responsive (such as the Marriage Law and the Criminal Code), as well as the application of more specific laws (such as Islamic Law Compilation, Traditional Law) that respected local cultures and wisdoms, while not being discriminatory to women. Other issues included birth certificates and female circumcision that has been discussed under previous articles of the convention.

203. In the last 10 years, efforts to address gender-based violence had seen much progress. It began with the realisation of potential sexual violence against the Chinese ethnic group during May 1998 riots. The State Ministry for Women Empowerment and Child Protection in cooperation with National Commission for Women formulated a law specifically to address the issue of gender-based violence, which was passed as Law 23/2004 regarding Elimination of Domestic Violence. Law 23/2004 brought a new paradigm that brought domestic violence into the public domain and made it a matter of interest to the State. The Law encouraged women to report their experiences and to demand their rights as humans, at the same time, it strengthened the commitment of the State and civil society to continue improving services and handling of victims. Policies at the national, regional and village levels following up on Law 23/2004 regarding Elimination of Domestic Violence also had implications on relevant institutions and the development of new, more specific, programmes, including:

- i) In 2004: MoU No. 463/4621 between DI Yogyakarta Health Office and Panti Rapih Hospital regarding integrated services for women and children victims of violence at the Hospital; MoU between the Central Java Regional Police Hospital and Child Protection Institution, Legal Aid Working Group, Women's Coalition of Semarang and Women's Studies Centre of Diponegoro University regarding Integrated Service Center for Women and Children Victims of Violence.
- ii) In 2005: East Java By-law No. 9 regarding provision of protection for women and children victims of violence; Village By-law No. 3 of Jakarta Village, North Bengkulu, regarding women victims of violence.
- iii) In 2006: Government Regulation No. 4 regarding Cooperation in Recovery of Victims of Domestic Violence; Lampung By-law No. 6 on Integrated Services for Women and Children Victims of Violence; Yogyakarta's Mayor Decree No. 16 on Integrated Services for Victims of Gender-based Violence; Decree of Bone Regent No. 504 regarding Joint

Agreement between Bone Regency, Bone District Police, Bone Prosecutor General Office, Bone District Court and Bone Female Empowerment regarding Integrated Services for Women and Children Victims of Violence; Bengkulu Mayor's Decree No. 255 regarding formation of Monitoring, Mitigation and Handling of Violence against Women and Children Team in Bengkulu City. KTP Team; Regulation of Jayakarta Village, North Bengkulu District, No. 3 regarding Handling of Women Victims of Violence; Sunda Kelapa Village, North Bengkulu, Regulation No. 02 regarding Handling of Women Victims of Violence; Sidoarjo By-law No. 18 regarding Provision of Protection for Women and Children Victims of Violence; North Sulawesi Governatorial Decree No. 268 regarding Integrated Service Center for the Protection of Women and Children in North Sulawesi (P2TP2A); MoU No. 3 regarding Integrated Service Provision for Women and Children Victims of Violence between Regents, Hospitals, Police, Prosecutors and Women's Crisis Centre in Sikka Regency, Maumere, Flores; Wet Java By-law No. 5 regarding Child Protection, including to provide health and psychological counseling as well as legal aid.

iv) In 2007: Chief of Police Regulation No. 10 regarding Organization and Mechanism for PPA Units in Police Institutions; Health Minister Advisory No. 659 to establish the Integrated Service Centers at Hospitals and Victim Service in Puskesmas; MoWE regulation No. 01, regarding the Coordinatinon Forum for Cooperation for the Prevention and Recovery of Victims of Domestic Violence.

204. As positive implication of many existing polices, institutions that served and handled cases of gender-based violence had been subject to empowerment. By December 2008, 20 PKT in Regional Public Hospitals had been established and 43 PPT at Regional Police Hospitals in many provinces in Indonesia. Meanwhile, with new laws since 2007, after eight years of advocacy, the Special Service Room (RPK) became an independent unit, the Women and Children Service Unit (UPPA), at Police offices. By the end of 2008, 305 UPPA had been established in 32 provinces. Staffing at UPPA comprises 115 senior officers and 982 police officers. In providing services, UPPA worked together with the local government and women's organization, as well as hospitals. UPPA staff was specially trained to be gender-sensitive, and services provided included counseling, medical examination escort, special hotline for reports and a safe house.

205. The establishment of an Integrated Service Centre for the Empowerment of Women and Children (P2TP2A) in provinces/regencies was facilitated by MoWE. By July 2009, 17 provincial centres and 12 regency/municipality centres were established (January 2009 MoWE data). It must be acknowledged that centres are yet to function maximally. The ones that were already working well were centres in DKI Jakarta, Yogyakarta, Sidoarjo,

Wonosobo, Manado. Meanwhile, the Department of Social Affairs developed Safe House and Trauma Centres (RPTC) to help victims of violence in psycho-social recovery. To date this institution has been set up in 22 provinces. The Department of Social Affairs also had nine Child Social Protection Homes (RPSA) as of early 2009. The Department of Health's Directorate of Medical Services Management and Directorate of Public Health Management recorded that 75 out of 342 Hospitals (Class A, B and C) had received technical training, 100 out of 1,000 Community Clinics received training on procedures for handling cases of violence against children, and 480 Community Clinics received training on prevention and handling of cases of violence against women (50%). All institutions were working together and were able to help each other.

206. Law 23/2004 on the Elimination of Domestic Violence was a breakthrough within the Indonesian legal system and legislation. Nonetheless, substantive and implementation problems still persisted. Implementing regulations and budget allocations still fell way short of the ideal. In terms of law enforcement and legal sanctions, they were too lenient in cases of intentional crimes and those resulting in the death of victims. Sexual and physical violence was still considered a complaint charge, while domestic violence had its own characteristics in terms of the emotional relationship between victims and perpetrators, so a victim wanted the violence to stop with a different sanction for the perpetrator. This issue has not been accommodated by the Law and still puts emphasis on the criminal prosecution and criminalization of victims. On the one hand, this law could serve to cause remorse for the perpetrator and prevented acts of domestic violence. On the other hand, the punishment of the husband was not seen as an appropriate solution, particularly by the victim. This was commonly the reason why victims often retract their police reports. Important to note was the lack of strategic efforts not only to intervene, but also preventive measures for gender-based violence, including domestic violence, violence in the public domain, trafficking and other forms violence. Currently, several parties are conducting studies to produce concrete and strategic recommendations in order to improve the Anti-Domestic Violence Law with various sets of regulations and protocols to ensure implementation and a sense of justice.

207. In terms of legal structure, a big obstacle came from the Religious Court institution. The Religious Court has the authority to hold hearings of civil/familial matters. Unfortunately, judges in Religious Courts tended not to use the Anti-Domestic Violence Law in dealing with divorce cases, even when violence is cited as the cause for filing for divorce. This condition was a matter of concern because the number of domestic violence cases on Religious Court records was rather high. Judging from domestic violence cases reported by the Religious Courts in 2006, 41% of documented divorce cases involved domestic violence, and in 2007, 33% of total documented cases.

208. Protection of domestic workers still had no legal umbrella. Several ministries, including the People's Welfare Ministry, Department of Labor and Transmigration and the State Ministry for Women Empowerment and Child Protection, on their own initiative, had respectively prepared their own drafts. These drafts were discussed and combined. Civil society groups had also proposed their concepts. Despite this, the progress of this Draft Law had been hampered due to controversies and concern that the government may not be able to implement it with consistency. The use of domestic workers who provide domestic services has a long tradition in many cultures and ethnicities of Indonesia, and often had the “patron-client” nuance that was mutual, and often involved relatives or even closer family members. Poor relatives often accompanied family members who were better off to help with domestic chores, while living on the premises, and were even sent to school. With non-family members, familial relationships often developed, with the needs (e.g., soap, detergent, clothing, food, etc.) of the domestic workers being met by the employer. It is true that wages for domestic workers were low and often did not meet the Regional Minimum Wage. And in cases where the employer had no good intentions, exploitation and forms of violence may occur. Despite this, there was concern that if domestic work was formalized, would the society, including the government, be ready to consistently apply the law? Would society be able to actually pay domestic workers according to the standard? If not, and if families no longer employed domestic workers, what would be the impacts on the socio-economic condition of society (e.g., the productivity of employees) which had become highly dependent on domestic workers? Would domestic workers be willing to acquire the professional qualifications required to receive professional wages? What would be the impact if the young workforce who previously worked as domestic workers became jobless due to this new regulation? How prepared was the government to anticipate new problems as a result of this legal protection of domestic workers?

209. The government still faced difficulties addressing the above questions, while mapping the complexities and trying to find appropriate solutions. In the meantime, the developing discourse was about the necessity to take measures to increase public awareness to work together in goodwill between employers and domestic workers. More active awareness raising was also needed to increase awareness that domestic workers also had personal rights as humans that could not be violated. Law 23/2004 could be used in the event of violence or violation of rights of domestic workers. Nonetheless, this could not be used as justification to delay efforts to provide a legal umbrella for the protection of domestic workers.