



# 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 fourth and fifth periodic reports of States parties**

**Indonesia\***

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\* The present report is being issued without formal editing.

For the initial periodic report submitted by the Government of Indonesia, see CEDAW/C/5/Add.36 which was considered by the Committee at its seventh session. For the combined second and third periodic report submitted by the Government of Indonesia, see CEDAW/C/IDN/2-3 which was considered by the Committee at its eighteenth session.

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## INTRODUCTION

The present report combines the fourth and fifth Periodic Reports of Indonesia on the implementation of the provisions of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. It covers the period December 1995 to December 2003 during which time significant changes occurred in all fields of life in the country. The political, social and economic systems have all been undergoing fundamental reform.

A National Committee was formed in September 2000 to prepare the first draft of the report. The committee consists of representatives from various governmental agencies and non-governmental organizations. Several workshops were conducted to discuss the draft and to incorporate any progress made in the implementation of the Convention up to the end of 2003. In addition, the Ministry of Women Empowerment (MOWE) organized a workshop in October 2003 to follow up the Beijing plus Five and to discuss the content of the report. These measures were taken to ensure the comprehensiveness of the report.

The report consists of two parts. The first part contains a summary of the fundamental political, economic and social changes as well as emerging issues and remaining obstacles. The second part describes the implementation of each article from 1 to 16 of the Convention specifying progress achieved, obstacles encountered as well as measures taken to overcome them, including responses to the General Recommendations of the CEDAW Committee. The report also describes action taken for the implementation of the Beijing Platform for Action 1995 and the Millennium Development Goals.

## PART I

### Summary of fundamental changes during the Reporting Period

(December 1995 – December 2003)

#### A. Political Development

1. There were major changes in Indonesian society and its political system in the late 1990s. The changes led to a more democratic political system, one that guarantees public participation in political life in order to create a more transparent, accountable system of government. The 1999 General Election, involving 48 political parties, was a milestone for Indonesia's people because it marked the emergence of a more democratic political atmosphere. Since then, Indonesia has transformed the government system from being highly centralized to a more decentralized one, allowing for more autonomy at local government level.
2. The most significant changes were amendments to the 1945 Constitution, which now includes more specific and firm guarantees for human rights, including women's rights as human rights as well as the concept of "*temporary special measures*" (as stated in Art. 28

h(2)). Law No. 39 of 1999 on Human Rights further specified that Women's Rights are Human Rights. In late 1998, in response to the demands of women human rights activists, the National Commission on Violence against Women was established by Presidential Decree No. 181 of 1998.

3. Law No 22 of 1999 on Local Government and Law No 25 of 1999 on Balanced Finances between Central and Local Government transformed the political system from being highly centralized to a more decentralized one, allowing for more autonomy at local Government level. The main objectives of decentralization have been to provide flexibility to regional governments, allowing them to manage their own affairs as part of the democratization process. In addition, decentralization is also designed to empower and motivate all Civil Society Organizations (CSOs) including women organizations to contribute to the building of democratic systems in the country.
4. Law No. 12 of 2003 on General Elections makes possible the direct election of members of the legislature, the president and vice president. This is also a groundbreaking piece of legislation that enhances women's representation in political parties and parliament.
5. Another revolutionary change that occurred during the early reform period was the legal guarantee for freedom of expression. The media was given full freedom to publicize public opinion, including those critical to the bureaucracy. In addition, it also provides wider opportunity for women to join the media.
6. Parallel with the legal reforms, the new government also launched reform and recovery development policies and programs, including programs for the empowerment of women, to resolve the lingering effects of the multi-dimensional crisis. Many conventional systems and approaches have been reviewed and replaced.

### **B. Economic Development**

7. In August 1997, Indonesia was hit by a devastating economic and monetary crisis, which caused the poor – more than half of whom are women - to increase dramatically to 49.5 million in 1998, while the economy experienced a 14 percent contraction the following year. This caused massive lay-offs – Indonesia putting into effect the common practice all over the world of retrenching women first. The number of poor people dropped slightly to 37.4 million in 2003. Around 70 percent of the poor live in rural areas, while the rest live in the urban areas. More than 70 percent of the urban poor live in Java and Bali.
8. During the crisis, these urban dwellers multiplied far more rapidly than in rural areas. As a result, the crisis had its greatest impact on those living in urban areas. In the wake of this crisis and the political evolution of that period, several achievements in the fields of health and nutrition, education and social welfare, faltered seriously. Women and children suffered more than men as a consequence of the economic crisis. Children suffered from inadequate nutrition in-take, truancy and were forced into early employment to help increase family income.

9. Food prices in Indonesia rose by 130 percent between June 1997 and July 1998, bearing in mind that food constitutes 70 percent of the total expenditure of low-income households. This condition was aggravated by poor agricultural harvests as part of the effects of “El Nino” and “La Nina”, which meant on the one hand declining food production, with increasing food prices on the other. The rapid increases in prices generally, made worse by increasing fuel prices in mid-June 2001, not only made the poor even poorer but also lowered the real wages of those who remained employed. Other difficulties loomed with price increases for electricity and telephone services which further compromised their quality of life. With economic growth reaching 4.5 percent compared to 4.3 percent in 2002 and 3.8 percent in 2001, economic conditions steadily improved in 2003. Accordingly, GDP per capita also increased from IDR. 6.144 million (US \$714 million) in 2001 to IDR. 6.368 million (US \$740 million) in 2002 and IDR. 6.625 million (US \$770 million) in 2003.
10. Emergency efforts to overcome the crisis were coordinated through social safety nets and crisis response programs in the fields of health and nutrition and family planning, with special enhancement of mother and child health, social welfare and education for the period of 1996 - 2002.
11. The National Development Program (Propenas 2000-2004) advocated two strategies to eradicate poverty, namely (a) satisfaction of the basic needs of the poor and protection of families and community groups living in poverty and, (b) assistance to community groups living in structural poverty. In addition, in 2001, the Government drafted the National Strategy for Poverty Reduction based on four pillars: (i) employment creation; (ii) community empowerment; (iii) capacity building; and (iv) social protection.
12. In accordance with Presidential Instruction No. 9 of 2000 on Gender Mainstreaming in All Government Establishments, the Strategy was designed and implemented in accordance with a contemporary gender perspective. For example, The Government’s fund for micro, small and medium enterprises has been allocated specifically for the benefit of women’s economic and cooperative groups in order to increase their access to economic resources.
13. The economic crisis led to increased migration of workers reaching 350.000 annually, of which more than 70 percent were women. More than 90 percent of these women worked in the informal sector, mainly as domestic workers, and were vulnerable to abuse. The Government took measures to increase the protection of women migrant workers, particularly those in Saudi Arabia where most Indonesian women migrant workers have been employed, by establishing qualified Training Centers and improving the recruitment and placement system. Another effort involved the signing of a Memorandum of Understanding with receiving countries such as Kuwait and Jordan.
14. Trafficking in persons (in particular women and children) constitutes an emerging critical issue for Indonesia, not only domestically but also regionally and globally. Therefore,

Indonesia has renewed its commitment to fight against this challenge as stated in Presidential Decree No. 88 of 2002 concerning the National Plan of Action on the Elimination of Trafficking in Women and Children. A taskforce – having a broad cross-sectoral membership -- has been set up to ensure the implementation of the plan of action. The National Plan of Action is aimed at addressing the root causes of criminal acts in trafficking, which are poverty, lack of education, skills, employment opportunities, and access to social services.

### **C. Social Development**

15. The period 1997 to early 2003 witnessed dramatic changes in the country not only politically but also socially. Indonesia faced a number of crucial social problems during the reform era, such as distrust by community members of those occupying public office during the past regime. Such distrust was fed and sustained by ignorance about the judicial system. It was a common practice for individuals to judge any communal disagreement privately and use force to resolve it. Such behaviour often led to social disorder or social conflict.
16. The indifference to such social disorder or social conflict risked communal and armed conflict such as those in Maluku, Central Sulawesi and West Kalimantan as well as armed conflict resulting from separatist movements as in Aceh and Papua. In such situations most of the victims are women and children.
17. Urbanization also became a major concern. Urban areas grew at the expense of rural areas. Consequently slum areas and communities multiplied rapidly, which exacerbated a number of social problems. Many poorly educated young women who migrated to urban areas found themselves working in the informal sector with very little protection against all kinds of exploitation. Those women who were left behind in the villages had to be responsible for their own lives and children.
18. A number of social problems resulted from the fact that many young women, as well as married women, became migrant workers overseas. Domestic workers in particular experienced sexual exploitation at their work places and on returning home discovered they had lost their social status. Many of them became emotionally and psychologically disturbed and could no longer lead a normal life. For those who left their husbands behind, they sometimes discovered on returning home that their husbands had remarried and often had spent all the money they had sent home to be saved.
19. Another social problem resulting from the multi-dimensional crisis was the problem of women and children being trafficked both at home and abroad. The problems of these victims were addressed from both the legal and social standpoints. Prosecution of traffickers was particularly effective because of the improvement in the skills and capacity of Indonesian police and prosecutors and through collaboration with other related institutions as well as with neighboring countries. As a result of these efforts, the police

was able in 2003, for example, to complete dossiers for prosecutors in 67 cases out of 125 cases under investigation. In addition, more Integrated Service Centers (Pusat Pelayanan Terpadu) were established in public hospitals including police hospitals and Special Service Units (Ruang Pelayanan Khusus) at Police Headquarters, both at the provincial and district levels.

20. The Government and the National Commission on Violence Against Women (established in 1998) as well as many other CSOs worked together to obtain more specific legal protection and more consistent implementation of the laws on behalf of all women victims of violence, both in the public and private spheres, such as women migrant workers and victims of trafficking. In cooperation with the Center for the Study of Population and Employment, MOWE conducted a National Policy study on Women Migrant Workers. The study focuses on programs related to the pre-departure preparation process. The study found out that the recruitment process is often not carried out professionally or in accordance with existing law due to lack of control and this has frequently worked to the disadvantage of women. These results have contributed to the work of the Ministry of Manpower and Transmigration related to the enhancement of protection of women migrant workers.

#### **D. Status of Women**

21. The commitment to achieve gender equality and justice included in the 1999 Broad Guidelines of State Policy specifically calls for the empowerment of women to achieve gender equality and justice. This policy was subsequently translated into the Five-Year National Development Programs (Propenas) 2000–2004, and the Annual Development Plans for the years 2000, 2001, 2002, 2003 and 2004. The National Development Planning Agency (Bappenas) and other relevant agencies endorsed two national objectives to promote gender equality and justice as stipulated in the Propenas 2000-2004: (a) Improvement of women's quality of life in all development fields, especially in the fields of law, economics (including employment), politics, education, health, nutrition, family planning and social welfare; and (b) Enhancement of their participation in community programs to promote gender equality and Justice and to improve the effectiveness of community institutions, both governmental and non-governmental.
22. The national vision on women empowerment has been the realization of gender equality and justice within the family, community and state. This vision has been translated into several missions namely; a) improvement of women's quality of life; b) promotion of public awareness about gender equality and justice; c) elimination of violence against women; d) promotion and protection of women's human rights; and e) institutional strengthening of women's organizations.
23. With the change of cabinet in 2001, MOWE was given additional responsibility, namely *the Welfare and Protection of Children*. Consequently, MOWE's policies and programs

began to include protection of children, along with women empowerment and welfare. The Strategic Plan of MOWE is aimed at:

- a. improving the coordination of related ministries in order to ensure that their respective policies, programs and activities support gender equality and justice and promote the welfare and protection of children;
  - b. increasing and enhancing the quality of networking activities of institutions and organizations involved in the empowerment of women and children's welfare and protection;
  - c. improving the effectiveness of the existing system for data and information on women and children;
  - d. enhancing MOWE's effectiveness in the implementation of the CEDAW Convention and CRC Convention.
24. In adjusting to the above mentioned fundamental changes, MOWE has had to go through a series of consultations not only with many other relevant government ministries and institutions but also with CSOs, in particular women organizations and leaders who consider that by giving MOWE the responsibility for the promotion and protection of the rights of children, efforts to promote and protect women rights may receive less attention not to mention the possibility of confusion between the two tasks. In response to such concerns, MOWE was restructured by adding one deputy minister specifically responsible for the welfare and protection of children. The task of the Deputy Minister for Children is responsible to ensure that the implementation of Law No. 23 of 2002 on the *Protection of Children* is carried out with gender sensitivity.



## PART II

### IMPLEMENTATION OF EACH ARTICLE

#### Article 1

##### Definition of Discrimination

*For the purpose of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*

25. The Indonesian Constitution 1945 (Second Amendment, 2000) constitutes discrimination as a violation of human rights. Article 28 I(2) stipulates: “*everyone is entitled to be free from discriminatory treatment on any basis and is entitled to be protected from discriminatory treatment*”. This article forbids a wide range of discriminatory practices, including discrimination against woman, and supports the right to legal protection in this regard.

26. Law No. 39 of 1999 on Human Rights, Article 1 (3) acknowledges equal rights between men and women in law and civic life. Meanwhile, Article 1.3 of the same Law defines discrimination as follows:

“Discrimination is any limitation, harassment or exclusion, whether direct or indirect, based on human differentiation determined by religion, tribe, race, ethnicity, group, association, social status, economic status, sex, language, or political belief, that causes the reduction, deviation from, or abolition of the recognition, implementation or use of human rights and fundamental freedoms in the political, economic, legal, social, cultural, and other aspects of life, whether at the individual or collective level”.

Section 9 on Women’s Rights, guarantees that women’s rights are human rights (Article 45) and Articles 46, 47, 48, 49, 50, 51 provide details regarding various rights of women.

27. Article 5 of Law No. 13 of 2003 on Labor states that every individual shall have the same opportunity to get a job without suffering discrimination. Article 6: Every worker/laborer has the right to receive equal treatment without discrimination by their employer.

28. Article 5 of Law No. 20 of 2003 on the National Education System decrees equal rights of boys and girls to education.

## Article 2

### Policy Measures to Eliminate Discrimination

*State parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:*

- a) To embody the principle of equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;*
- b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*
- c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*
- d) To refrain from engaging in any act or practice of discrimination against women to ensure that public authorities and institutions shall act in conformity with this obligation;*
- e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;*
- f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*
- g) To repeal all national penal provisions which constitute discrimination against women.*

29. With respect to Article 2 (a) and (b), please refer to paragraphs 25, 26, 27, 28.

30. Article 17 of the Human Rights Law No. 39 of 1999 guarantees women effective protection, through competent national tribunals and other public institutions, against any act of discrimination.

The article reads:

*“Everyone without discrimination has the right to justice by submitting applications, grievances, and charges of a criminal, civil, and administrative nature, and to a hearing by an independent and impartial tribunal, according to legal procedure that guarantees a hearing by a just and fair judge allowing an objective and impartial verdict to be reached”.*

31. Article 9 (g) of Law No 26 of 2000 on the Human Rights Court defines crimes against humanity to include violent acts such as rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or other forms of sexual violence.
32. In conjunction with participation at the Twenty-Third Special Session of the UN General Assembly entitled "Women 2000 Gender Equality, Development and Peace for the Twenty-First Century" held in June 2000, the State Minister for Women Empowerment, acting on behalf of the Indonesian Government, signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The signing of the Optional Protocol by Indonesia gave the assurance of its commitment to implement CEDAW. A number of consultations as well as workshops have been held to seek support from all stakeholders both government and CSO's in order to improve mechanisms for women to have access to justice when they experience discrimination.
33. MOWE in cooperation with the Ministry of Justice and Human Rights, other related ministries and NGOs, has conducted various studies and workshops to provide the basis for the harmonization of various existing laws with the principles of CEDAW. The studies also provide the basis for the drafting of new laws against, for instance, domestic violence, trafficking of women and children, and for the protection of overseas migrant workers. One academic study, focusing on Law No. 62 of 1958 on Citizenship, has come up with a recommendation that Indonesian women who marry foreigners should have the right to determine the citizenship of their children. The present Citizenship Law stipulates that children born of a legal marriage between an Indonesian woman and a foreigner should automatically follow the citizenship of the father. Other on-going academic studies are related to the drafting of a new law concerning Witness Protection and a New Penal Code. In the draft related to violence against women, it has been proposed that violence be defined according to the definition used in the General Assembly Declaration on the Elimination of Violence against Women which emanated from CEDAW's General Recommendation No. 19 of 1992.
34. Since 1999, the Government has adopted a Zero-Tolerance Policy as a strategy to eliminate violence against women.
35. With regard to persisting discriminative social cultural patterns of conduct and attitude towards women, the Government has adopted Gender Mainstreaming as a strategy to achieve gender equality and justice. Presidential Instruction No. 9 of 2000 obliges all Government representatives and agencies to mainstream gender in their policies, programs, projects, activities and budgets to eliminate gender-based discrimination.

### Article 3

#### **Mechanism and Programs to Promote the Advancement of Women**

*States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.*

36. Since 2001 MOWE has served as the national mechanism for the empowerment of women. It consists of 5 major substantive divisions, each headed by a Deputy Minister, addressing the following programs: a) Development and Information; b) Gender Equality; c) Women's Quality of Life; d) Community Participation; e) Welfare and Protection of Children. In addition, there is one Executive Secretary responsible for administrative, personnel and financial affairs.
37. Fifteen out of thirty provinces have established Bureaus of Women Empowerment and forty districts have established District Offices of Women Empowerment. However, provinces or districts that do not have bureaus or divisions have units responsible for implementing gender mainstreaming and/or for promoting women in development. The structures, status and mandates of the units vary widely among the provinces and districts but they all retain the common core objectives and programs to coordinate and promote gender mainstreaming in all development sectors in their respective regions. Efforts are being made to persuade other provincial and district governments to establish women's bureaus or units, particularly after the implementation in 2001 of Law No. 22 of 1999 on Local Government which provides for more autonomy to local government bodies regarding the structure of provincial and district governments.
38. Other important mechanisms for women empowerment:
  - a. KOWANI (Indonesian Women Congress), a federation of 78 women organizations, established in 1928.
  - b. At the initiative of the Minister for the Role of Women, the 1993 State Policy Guidelines mandates the establishment of Women/Gender Studies Centers in order to provide scientific support for the enhancement of the status and role of women in development. The number of such Centers has increased from 70 in 1995 to 111 in 2003. These Centers are found in 30 provinces, both in public and private universities as well as Teachers Colleges.
  - c. The PKK (Family Welfare Movement), established in 1967 and reformed in 1998, exists throughout Indonesia and has been established to achieve the prosperity of the family by focusing on the "ten programs of PKK", namely:

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- (i) the internalization and application of the principles of Pancasila as the basic philosophy of Indonesia's way of life;
  - (ii) Food and Clothes;
  - (iii) Housing and Household;
  - (iv) Education;
  - (v) Cooperatives;
  - (vi) Health;
  - (vii) Sustainable Environment;
  - (viii) Family Planning
  - (ix) Saving
  - (x) Health Planning

PKK's achievements in empowering women, from grassroots level through small groups of ten families (Dasa Wisma), have been nationally and internationally recognized. The Posyandu or Integrated Health Services managed by the PKK runs services for pregnant mothers, under-fives and babies (baby weighing, provision of nutritious food etc).

- d. The Association of Civil Servants' Wives (Dharma Wanita Persatuan) has introduced the practice of electing its Chairperson in line with the national reform and democratization process. This is contrary to the previous practice which always resulted in the wife of the highest ranking official being the Chairperson in the respective ministries and in the offices of provincial governors while the General Chairperson was always the wife of the Minister of Home Affairs.
- e. The objective of the Indonesian Association of Women Entrepreneurs (IWAPI) is the empowerment of women entrepreneurs, in particular those in micro, small and medium enterprises. IWAPI is also a member of the Women Leaders' Network of the Asia-Pacific Economic Cooperation (WLN-APEC).
- f. Women Parliamentarians Caucus, established in 1999, to promote gender perspective and human rights of women in parliament.
- g. The Indonesian Center for Women in Politics (ICWIP), which was established in 1999 and initiated in cooperation with GPSP (Movement towards Education of Women Voters); Women Coalition for justice and Democracy; Legal Aids of the Indonesian Women Association for justice (LBH APIK), has set up the National Network on

Women in Politics. This network has more than forty members and is active in more than half of the thirty provinces.

39. One independent commission, namely the National Commission on Violence against Women was established in 1998 as the first national mechanism to address violence against women, in particular violation of their human rights. The mandate includes the following: 1) Enhancement of public understanding of all forms of violence against women in Indonesia 2) Development of a conducive environment for the elimination of all forms of violence against women and the protection of their human rights; 3) Enhancement of all efforts to address and prevent all forms of violence against women, in particular the protection of women's human rights. The mandate has been carried out by the commission through advocacy, revision and/or proposal of new public policies and laws as well as the strengthening of national, regional and international institutional capacities through networking.
40. A **Gender Mainstreaming Mechanism** has been established by Presidential Instruction No. 9 of 2000 on Gender Mainstreaming in National Development. The Instruction obliges all government representatives and agencies, namely:
- Ministers,
  - Heads of State Institutions,
  - Commander of the Indonesian Armed Forces,
  - Chief of State Police,
  - Attorney General,
  - Provincial Governors,
  - District Heads and Majors, and
  - Non Ministerial Government Bodies and institutions

to mainstream gender in their work in order to eliminate gender-based discrimination. The State Minister for Women Empowerment has issued Technical Guidelines for Gender Mainstreaming. A gender focal point has been appointed within each governmental agency to perform the following tasks:

- To motivate and support the institution/agency/organization/unit to review and improve its mandate, policies, programs, projects, activities and budget to make them more gender responsive;
- To facilitate training on gender sensitivity;

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- To stimulate good working relationships by improving coordination and cooperation with other institutions/agencies/ units for gender mainstreaming.
41. Mechanisms for the implementation of the Presidential Instruction on gender mainstreaming include:
- a) In 1998: The National Development Planning Agencies established a gender mainstreaming Working Group on Policy and Program Planning which focuses on five development sectors: namely employment, education, justice, agriculture, cooperatives/SMEs;
  - b) In 2000: the Working Group expanded its mandate to incorporate four additional sectors namely health, family planning, social welfare and environment. Pursuant to this policy, each development sector established its respective Working Group to ensure gender mainstreaming;
  - c) In 2002: a Steering Committee was established at the national level by the MOWE consisting of Senior Officers from various Ministries and other Government Institutions to formulate gender mainstreaming policies and strategies;
  - d) To facilitate the implementation of the policies and strategies adopted by the Steering Committee a Working Group was established with the following tasks:
    - To promote public awareness on gender issues;
    - To provide inputs to the Steering Committee;
    - To strengthen networking among all governmental and civil society stakeholders in order to promote and implement gender mainstreaming.
  - e) Together, all Working Teams for the enhancement of women empowerment serve as a coordinating forum of government agencies and CSOs, Women's/Gender Study Centers, and professional organizations at provincial and district/municipality levels.
42. The women's empowerment program, with the main goal of gender equality and justice, stipulated for the first time in the 1999 Broad Guidelines of State Policy, is an integral part of the nation's development program, in particular the national program for the implementation of the CEDAW Convention. Within the present presidential cabinet, the formulation and coordination of women policies and programs are the main responsibility of MOWE through:
- a. promotion and provision of guidelines for gender mainstreaming as a strategy for the empowerment of women by departmental and non-departmental agencies from the national level down to the village level;

- b. coordination of the implementation of women's empowerment programs by related ministries;
- c. advocacy, monitoring and evaluation of all programs carried out by all ministries and government institutions.

The State Ministry therefore does not have the mandate to implement related programs, but rather to coordinate, monitor and evaluate progress achieved.

- 43. In order to facilitate sector ministries in formulating their gender-responsive policies and programs, the National Development Planning Agency has designed a technical tool called Gender Analysis Pathway (GAP). GAP is the centerpiece of Government's approach to gender mainstreaming. It is a straightforward and user-friendly way of introducing government planners and others development program officers to the techniques of gender analysis. It is also flexible because it can be used to analyze new policy options or to review the existing policies. In its first incarnation, GAP was designed as a policy outlook and action-planning tool for reviewing the general policy objectives of the Sixth Five-Year Development Plan (1994/1995-1998/1999) in order to devise gender policy objectives for the next five-year development plan (Propenas 2000-2004). The Government also developed Gender Mainstreaming Guidelines to facilitate the gender mainstreaming process by ministries, local government bodies and members of technical staff in their work programs. In addition, Gender Mainstreaming Training Modules have also been developed to help trainers/facilitators carry out gender mainstreaming training.
- 44. Propenas 2000-2004 legally binds relevant government bodies, NGOs, and civil society because it was enacted as law by the Parliament and Government in November 2000. Propenas is a planning document using a strategic approach. It outlines programs which are considered basic, primary and of high priority for the country. A special article in Propenas is devoted to gender equality and justice and outlines areas where special attention needs to be given.
- 45. Within the framework of Propenas, 2000-2004, there are nineteen development-sector programs covering education, politics, socio-culture, labor, law, agriculture, cooperatives and micro/small enterprises, environment, family planning, social welfare and health. In implementing these programs, a number of gender issues emerged, such as:
  - a. In legal reform: there are at least five critical issues, among them being gender-based discriminative laws, gender-biased law structure, gender-biased law culture; and lack of legal framework to address violence against women.
  - b. In economic development: there are at least seven gender issues, namely limited employment opportunities for women; limited access by women to economic resources; unpaid employment of women in family enterprises; low rate of participation by women in the labor market; concentration of women in low-income



menial jobs; discrimination against women workers in recruitment and promotion; and inadequate protection of women workers.

- c. In politics: under-representation of women, particularly at the decision making level in parliament, political parties, government institutions, judiciary as well as in the armed forces and police.
- d. In education: there are at least three major gender issues namely the high illiteracy rate of women; low enrollment and participation of female students at higher educational levels and in the choice of technical disciplines; and gender bias in school textbooks.
- e. In health, nutrition, and family planning: there are at least five major gender issues namely the low involvement and responsibility of men in family health; high maternal mortality rate; high prevalence of iron anemia among women in their reproductive years along with chronic energy and vitamin A deficiencies among women and girls; low participation of men in family planning; and women's lack of control over their reproductive health, particularly family planning.
- f. In policy development: the gender issue is that many development policies, programs and activities are unfavourably gender biased.
- g. In the area of institutional strengthening and capacity building: there are at least four gender-related issues namely society's ignorance, especially on the part of government employees, about gender equality and justice; limited data and information on gender equality; poor quality of institutions; and, weak relations among institutions. Up to 2003, there were 38 gender-responsive development-sector programs. The budget for the implementation of such programs constitutes an integral part of the respective ministry's annual budget.

#### **Article 4**

##### **Special Temporary Measures to Accelerate Equality**

- (a) *Adoption by State Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be continued when the objectives of equality of opportunity and treatment have been achieved.*
  - (b) *Adoption by State Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.*
46. Article 28H (2) of the 1945 Constitution (Second Amendment) stipulates "Every person shall have the right to receive facilitation and special treatment to have the same opportunity and benefit in order to achieve equality and fairness" and Section Nine on Women's Rights (Chapter

3 on Human Rights and Freedom of the Human Rights Law of 1999 which consists of seven articles -- 45,46,47,48,49,50,51) provide the legal basis for temporary special measures consistent with Article 4.1 of the CEDAW Convention regarding the various rights of women.

47. On the basis of the above legal provisions, Law No. 12 of 2002 on General Election (Article 65.1) calls on political parties to ensure there is at least 30% women's representation in their list of candidates for the legislature.
48. In the field of education, a number of temporary special measures have been taken such as quotas, fellowships and subsidies at all levels including guaranteed admission for girls to schools and institutions of higher education.
49. Within the context of poverty alleviation at the grass roots level, particularly for the improvement of women's quality of life, efforts have been made to widen the scope of special vocational training for women. Parallel with this, a special program has also been carried out to enhance women's access to credit to start micro and small businesses to meet their strategic gender needs and to attain economic independence.
50. Specific measures have been designed to bring about quick responses to violence against women and difficulties affecting their health. However, in the actual implementation, these measures are not addressing the issues quickly enough due to various obstacles being encountered, such as gender insensitivity, ineffective mechanisms and institutions, among other things. Therefore, development of gender sensitivity among community leaders, both traditional and religious, has been enhanced through active participation of women organizations and women/gender study centers in specific programs to build support for gender equality and justice in the family and society. Support has increased as community has begun to realize that gender equality and justice aimed at improving the life of all women and men, young and old.
51. Special Measures to Protect Maternity (4.2)
  - a) The State Ministry for Women Empowerment has a policy to reduce the maternal mortality rate in Indonesia through a specific initiative called the Mother Friendly Movement. This is a government-sponsored movement implemented by and for communities to advance and improve women's quality of life. This policy coheres with other policies such as the Mother-Friendly Sub-District and Mother-Friendly Hospital and Alert Husband Campaign (Suami Siaga). The main objective of the movement is to reduce the rate of maternal mortality through the increased awareness of spouses, members of the family and the community about the importance of saving women's lives during childbirth and after they have become mothers. To support the main objective of the movement, the government has enhanced access to quality reproductive health services, funds and facilities. The Government has increased budgetary allocations for this program with support from various international donor agencies that endorse such campaigns.

- b) To enhance the life and promote the welfare of babies and infants, an exclusive early Breastfeeding Policy is being encouraged along with the Baby-friendly Hospital Movement, Growth and Development Community thrust, and the provision of iron tablets for women workers. Mothers are being urged to only breastfeed their babies until they reach the age of 4-6 months at the minimum, although it is recommended that this should be done until the baby is two years old. Breastfeeding is not only good for babies but also plays a significant role in emotional bonding between mother and child and is an important facet of family planning.
- c) Increased attention to HIV/AIDS infection among women has led to the introduction of a gender perspective into health related educational activities. In the workplace, better preventive measures have been adopted to deal with sexually transmitted diseases through dissemination of information, seminars held by government institutions as well as private organizations and NGOs.

## **Article 5**

### **Sex Roles and Stereotypes and the Importance of Family Education**

*State Parties shall take all appropriate measures:*

- (a) *To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;*
- (b) *To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.*

#### 52. Sex roles and stereotypes:

Despite all efforts, women's sex roles and stereotyping remain major challenges to the implementation of the Convention. In this regard, the government has taken various measures such as:

- a. Advocacy among community leaders, in particular religious leaders, traditional leaders, mass media and youth organizations, to enhance their understanding and support for gender equality and justice.
- b. Establishing additional and strengthening existing women/gender study centers (WSC) in order to provide inputs and recommendations for the formulation of policies and programs at local and national levels. In 1995, there were 70 WSC. These have increased to 111 in 2003, covering all 32 provinces.

- c. Annual publication of provincial gender profiles since 2000 to replace publication of the Situation Analysis of Women of the 1980s.
53. The Government has conducted gender analyses of the education system and has adopted a policy to revise textbooks, curricula, teaching and learning methods accordingly. Gender mainstreaming has also been introduced in Early Child Care Development training programs for parents. This training is aimed at eliminating the stereotypical notions that women are the persons solely responsible for their children's nurturing and upbringing.
54. At university level, there is a graduate program on women's studies. There are now two universities that conduct this program, namely the University of Indonesia in Jakarta and the University of Hassanudin in South Sulawesi.
55. MOWE continues to carry out training for media personnel to enhance their understanding and ability to reflect and promote gender equality and justice in their work. The Ministry also publishes gender mainstreaming guidelines for journalists and has set up a communication forum for regular consultations. The Ministry has also continued to give annual awards to journalists for best writing on gender issues. As part of other efforts to promote public awareness and support for gender equality and justice, the State Ministry also produces materials such as magazines, leaflets, brochures, booklets, magazines, CD-ROMs, and has created a website.
56. Within the context of promoting gender mainstreaming as an important development strategy, MOWE has socialized 360 government officials and leaders of women organizations in 12 of the 32 provinces around the country since 2002 to support and implement the strategy.
57. Advocacy activities for gender mainstreaming have also been conducted to increase the awareness and obtain the support of decision makers in the executive, legislative and judicial branches of government.
58. In 2004 MOWE began giving an award to the province that has done the most to promote and apply gender mainstreaming in its development planning, programming and budgeting. Indicators include the existence of appropriate institutional mechanisms, provision of sufficient human resources and budget allocations.
59. The Ministry of Justice and Human Rights conducted human rights training (including training on the CEDAW Convention) for stakeholders over the period 2000-2003 benefiting roughly 21,000 police, 3 percent of whom were women, 100 judges including 3 percent female judges, 224 central government officials including 56 female officials, 40 officers from 10 out of 15 human rights centers from various universities, both state and private, and 60 NGO officers in all provinces. Technical assistance was provided by many donor countries, especially Australia, Sweden and Norway. The training took place both in Indonesia and donor countries. However, the increased number of women in the public and political arenas does not necessarily indicate the achievement of gender equality and

justice. Women who are active in the political arena face cultural and structural constraints. The cultural constraint is strongly related to the patriarchal culture of our society, where one may observe a marked division of roles between the two genders. The commonplace view is that politics is better handled by men, whilst many women feel that their feminine traits hinder their political ambitions. In short, women all over the world face socio-cultural constraints at all levels. Those who want to enter politics face constraints such as the prevailing masculine model of political life and the recruitment process used for governmental bodies. The lack of support by political parties for women's involvement in their activities has limited women's access to the political arena. Also, the lack of networking and cooperation between other public organizations, such as labor/trade unions, and women's organizations/groups and the lack of sound political recruitment practices are constraints to women's participation in politics. Other obstacles that affect women's desire to entering politics include unemployment, poverty, lack of financial resources to campaign and low levels of education. These have prevented women from developing the confidence to run for elected offices.

### **Article 6**

#### **Trafficking in women, exploitation and prostitution of women**

*State Parties shall take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women.*

#### 60. Indonesia's Situation on Trafficking in Women and Exploitation of the Prostitution of Women:

Based on a considerable number of studies, several provinces in Indonesia are suspected to be source regions, while several other provinces are suspected to be transit and receiving regions.

**Table - 1**

Source, transit and receiving regions of Trafficking in Persons in Indonesia:

<b>Source Region</b>	<b>Transit</b>	<b>Receiving Regions</b>
North Sumatera Prov	Medan	Deli Serdang, Medan
Lampung	South Lampung	South Lampung
West Java	Bandung	-
Central Java	Cilacap, Solo	Baturaden
East Java	Surabaya	Surabaya
Bali	Denpasar	Denpasar, Gianyar, Legian, Nusa Dua, Sanur, Tuban
West Kalimantan	Entikong, Pontianak	Pontianak
West Nusa Tenggara	Mataram	Senggigi Beach, Sumbawa
North Sulawesi	Bitung	-
South East Sulawesi	-	-
-	Riau Prov; Batam	Riau Prov : Batam, Tanjung Balai Karimun
-	DKI Jakarta Prov. (All Regions)	DKI Jakarta Prov. (all regions)
-	East Kalimantan Prov : Balikpapan, Nunukan, Tarakan	East Kalimantan Prov. : Balikpapan, Samarinda
-	South Sulawesi Prov. Makassar	-
-		Papua Prov.:Biak,Fak-fak, Timika

**Table – 2**

<b>Source Regions</b>	<b>Transit</b>	<b>Receiving Countries</b>
North Sumatera Prov.	Medan	South East Asia (Singapore, Malaysia, Brunei, Filipina), Middle East (Arab Saudi), Taiwan, Hong Kong, Japan, Republic of Korea, Australia, South America
Lampung Prov.		
Riau Prov.	Batam	
Jakarta Prov.	Jakarta	
West Jawa Prov.		
Central Java Prov.	Solo	
East Java Prov.	Surabaya	
West Kalimantan Prov.	Pontianak, Entikong	
East Kalimantan Prov.	Nunukan	
North Sulawesi Prov.		
Bali Prov.		
West Nusa Tenggara Prov.		

61. Originally, trafficking of women in Indonesia was associated with the deployment of migrant women workers overseas to countries such as Singapore, Hong Kong, Malaysia and mostly to countries of the Middle East.

The government's policy of the past decade aimed at promoting labor migration abroad as a means to deal with the unemployment situation at home. The majority of migrants were unskilled individuals with poor education; most of them were from poor families in rural areas. They significantly contributed to National Income. During the sixth Five-Year Development Plan (1994/1995 to 1999/2000) there were 1,461,236 Indonesian Migrant Workers, the majority of these were women, 70 percent of whom worked as domestics. Obviously, they were very vulnerable to exploitation. In addition, many of them became victims of syndicated operations, nationally and trans-nationally, resulting in their status being that of undocumented migrant workers.

62. A victim of trafficking would usually be taken from a poor family in a village with low status, having little or no education, and dominated by a patriarchal culture or she could come from a broken home. The targets were usually girls and young women, and those who had worked in cities and foreign countries. Although it is not easy to estimate the number of Indonesian victims of trafficking, from the various sources of information available, such as data from the International Migration Office, it is estimated there are about 250,000 victims being trafficked each year in South East Asia. The Indonesian Migrant Workers Consortium or KOPBUMI has estimated that there are 1,000,000 Indonesian migrant workers and about 20 percent are trafficked each year. The issue of trafficking in persons in Indonesia is actually an iceberg phenomenon, the greater number of those affected remain unknown.
63. To a large extent, the trafficking syndicate in Indonesia provides sexual services, using mainly young girls. The victims are trafficked from their hometowns to big cities, and later on trafficked from one city to another as a marketing strategy of the prostitution industry.
64. Resort areas are not the only destinations for persons being trafficked. They are also taken to big industrial sites located in remote areas. Those forced into prostitution risk being mentally and physically abused, getting sexually transmitted diseases and obviously risking their future.
65. The transport of undocumented migrant workers occurs particularly across the borders of Indonesia, Malaysia and Singapore. They are taken by small boats across the sea at night or by road through forested areas. They are then forced to work under exploitative conditions (such as long hours and usually without pay) in informal sectors of the economy and the worst part of the arrangements is that they are usually confined to a room with limited mobility and face the constant risk of being physically, verbally and sexually abused. Language constraints and imposed isolation cause them to surrender to

degrading emotional and psychological treatment. Not only do undocumented migrants face such treatment, but even legal migrants can be subjected to a similar experience.

66. The trafficking of a person as a mail order bride, for example, between a Taiwanese man and a West Kalimantan woman is done through the internet or a special syndicate. A poor woman who does not have a job is trapped in an unjust marriage, undergoes physical abuse or is forced to work in a factory for free. If she is fortunate she is paid minimum wage and later is allowed to return to her family on the condition that she helps the mail order bride syndicate.
67. Trafficking in persons also incorporates pornographic activities, with women becoming victims of porn syndicates to produce pornographic VCD's and other lewd pictures. Young women are usually deceived into joining the industry with the empty promise that they will eventually become advertising models, singers or film stars.
68. The Indonesian government pays serious attention to issues of trafficking in women, for commercial purposes or for sexual exploitation of women, with violence being part of their experience. To counteract this, Presidential Decrees No. 87 of 2002 regarding the National Plan of Action on the Elimination of Commercial Sexual Exploitation of Children and No. 88 of 2002 on National Plan of Action on the Elimination of Trafficking in Women and Children were issued.
69. The issues pertaining to the commercial and other forms of sexual exploitation of women are mentioned under Articles 296, 297, 506 and 507 of the old Penal Code which stated that those who violated this law would be punished and imprisoned for four years. In the new draft Penal Code, it has been recommended that the punishment of the perpetrators be increased from 4 to 12 years. To enable provincial governments to address the issue immediately, the central government issued general instructions in 2002 on how to combat trafficking of women and children wherever it occurs.
70. In line with this, the MOWE, in cooperation with all stakeholders both Governments and NGOs, completed the Master Plan 2003 – 2007 on the Elimination of Trafficking in Women and Children.

The Master Plan outlines the need:

- (a) To establish a national committee to implement the National Plan of Action against trafficking in women and children;
- (b) To synergize and harmonize national laws with international instruments related to the trafficking of women and children;
- (c) To enforce relevant laws;
- (d) To protect women and children from the smuggling syndicate;



- (e) To set up the Women's Crisis Centre to help victims and the Centre to empower women to protect themselves from being victimized.
- (f) To regularly monitor and evaluate the implementation of the National Plan of Action on the Elimination of Trafficking in Women and Children;
- (g) To set up community networks to interact with national, regional and multilateral institutions in order to combat human trafficking involving cross-sectoral ministries in the process.

71. Other measures include:

1. Formulation of a draft Law on Anti -Trafficking in women and children.
2. Formulation of a draft Law on Anti - Pornography
3. Continuation of Situation Analyses of Trafficking in Women and Children

72. As a follow up to the Zero-Tolerance Policy on Violence Against Women, MOWE, in cooperation with all stakeholders from government institutions as well as CSOs, in particular Women's Organizations and Women/Gender Studies Centers, formulated and launched the National Action Plan on the Elimination of Violence Against Women in 2000.

73. Within the context of the National Action Plan, the following measures were taken:

- a) Consultations and Workshops were organized aimed at synergizing and harmonizing national laws with international instruments related to the elimination of violence against women, in particular CEDAW General Recommendation No. 19 of 1992 on Violence Against Women and the UN General Assembly Declaration on the Elimination of Violence Against Women of 1993;
- b) Parallel to this, the National Commission on Violence Against Women and women's organizations in close cooperation with the respective Commission of Parliament, succeeded in having a law on Domestic Violence drafted;
- c) The establishment of several crisis centers and hot line services for women who had been victims of domestic and social violence;
- d) Enhancement of the quality of the services provided by the Special Service Units (RPK) at police precincts by training policemen and police women serving in those Units;

Mapping out of the incidences of violence against women all over Indonesia by the National Commission on Violence Against Women together with other women's organizations in the field of violence against women.

- e) In cooperation with women's organizations, the State Ministry organized fund raising activities for women who had been victims of violence in conflict areas of Aceh and Maluku.
  - f) Regular calls and rallies for peace and harmony have been continually organized asking all parties to be more patient and to refrain from both sexual and armed violence.
  - g) Signature of a Memorandum of Understanding by the State Minister of Women's Empowerment with five other government ministries and the Chief of Police to coordinate the development and management of one-stop crisis centers for women victims of violence.
  - h) The declaration of the "Moral Movement for a Culture of Peace" by Indonesian Women's Congress;
74. Data on violence against women, in particular domestic violence, were not easily acquired due to the nature of the problem (domestic violence is regarded as a private issue, therefore it is not reported publicly). Data taken from one of the most concerned women's organization "Kalyanamitra" found that within the period 1997 - 1999 there were 299 cases of rape, 46 cases of sexual harassment and 42 cases of domestic violence. The figure increased quite significantly during 2000 and 2001 with the total number of cases reaching 488 rape cases, 150 cases of sexual harassment and 213 cases of domestic violence. With regard to domestic violence, a survey in 1997 revealed that about 11 percent of the 339 male respondents admitted having abused their wives while 19 percent admitted to psychological intimidation. The 362 female respondents reported being beaten (16 percent), kicked (9 percent), spat on, or burned by a cigarette. Child marriages (by persons less than 16 years of age) continued to be quite prevalent, reaching as high as 16 percent in West Java (one of Indonesia's 33 provinces), according to the 1998 SUSENAS (National Social Economic Survey).
75. Domestic violence was not only committed by the spouse, but also by other family members. Outside the household, violence would often be perpetrated by drivers, teachers, and the unemployed. The violence was not only physical in form but also non-physical.

## Article 7

### Political and Public Life

*State Parties shall take all appropriate measures to eliminate discrimination in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:*

- a. To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;*
- b. To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;*
- c. To participate in non-governmental organizations and associations concerned with the public and political life of the country.*

76. Since the 1995 report, the subsequent reporting period witnessed much progress. New laws were passed that included and supported women's participation in public life. Law No 22/1999 on Local Government and Law No 25/1999 on Balanced Finances between Central and Local Governments encouraged the participation and democratization of the community, thus making it possible for women to be involved in the development of their communities. The People's Consultative Assembly set a milestone in 2002 by recommending a 5 percent budget allocation, at minimum, for women's empowerment in all government sectors at the central and provincial levels. Moreover, women's empowerment was given priority in the National Development Program under Chapter VII entitled the Increase of the Quality of Life of Women, including increased participation in power and decision-making, also in line with the Beijing Platform for Action of 1995. Despite the application of Gender Mainstreaming, as an important strategy in the National Development Plan and Program mandated by Presidential Instruction No 9/2000, progress was only gradual, as it indeed took a long time to change entrenched stereotypes and values concerning women's roles in public life. However, public pressure in particular from women themselves through the National Network of Women in Politics resulted in the adoption of Law No 12 of 2003 on General Elections which stipulates that women should form at least 30 percent of the candidates of political parties for the legislature.

#### **I. Elected Position**

77. In accordance with Article 27 of the Constitution which stipulates that all citizens shall have equal status before the law and the government and should, without exception, respect the law and the government, there should be no legislative provisions barring women from voting and from standing for elections for elected positions. Although this is so, in reality the number of women holding decision-making positions through elections at all levels from Village Council (Dewan Desa/Dewan Kelurahan) to the People's

Consultative Assembly (MPR) continued to be very limited. In the Parliament and People's Consultative Assembly, there were decreases in the number of women members, despite the fact that 57 percent of the voters were women. It must be pointed out, however, that the number of women in most political parties fall short of the 30 percent target.

<b>Year</b>	<b>Parliament</b>	<b>People's Consultative Assembly</b>
1997	12 %	11.62 %
1999	10.8 %	9.82 %

78. During the period of 1992 - 1997, there were only three political parties recognized by the Government compared to the 48 political parties of 1998, and more than one hundred in 2002, but only four were chaired by women and the party which won the election was one of those chaired by a women, namely the Indonesian Democratic Party of Struggle or PDI-P. Consequently she should have been elected President of the Republic of Indonesia by the People's Consultative Assembly (MPR). However, she was requested to be the Vice President instead due to stereotyped socio-cultural attitudes as well as misinterpretation of Islamic teaching. In 2001 the MPR decided to impeach the male president and appointed her, the then Vice President, to act as the President of the Republic until the end of the term in 2004.
79. The percentages of women members in these parties were 6.3 for the United Development Party (PPP), 13.3 percent for the GOLKAR Party and 15.4 percent for PDI-P. Although the number of women holding seats in the Parliament and the People's Consultative Assembly decreased, the quality of women's representation in the two assemblies, having been won through popular votes, showed a marked improvement.
80. To increase the participation of women in public and political life, MOWE, in close cooperation with women NGOs, conducted the following activities: a) advocacy to political parties, legislators, business leaders, labor unions, professional associations and other CSO's for developing gender consciousness and engaging in gender mainstreaming as a development strategy; b) capacity building for the implementation of the Principles of the CEDAW Convention amongst women's organizations, media and other CSO's at provincial level through gender-sensitive civic education; c) support for the activities of the Caucus of Women Parliamentarians, the Caucus of Women in Politics and NGO networks on Women in Politics.
81. Prior to the General Election in 1999, a greater number of women's organizations and activists became involved in campaigning to encourage more women to enter political parties and run for election either as legislative candidates from political parties or as

regional representatives (senators) at the provincial and district levels. These campaigns were conducted through the use of direct interaction, electronic communication, talk shows, and the media. Some of the leading women's political NGOs and institutions involved were: Movement on the Empowerment of Women Voices (GPSP), Legal Aid Institution-Indonesian Women Association for Justice (LBH APIK), Women Coalition for Justice and Democracy (KPI), Indonesian Center for Women in Politics (ICWIP), the NGO Networks on Women in Politics, Women Convention Watch Group, University of Indonesia (CW-UI) and Center for Electoral Reform (CETRO).

## II. Appointed Public Decision Makers

82. At the executive level, within the civil service, the number of women occupying senior ranks in the organizational hierarchy in 1995 numbered 1,211 or 7.20 percent while in 1997 the number decreased to 6.98 percent. In 2003, there was only one female occupying a first echelon position in all Ministries and all non-ministerial government institutions, or less than two percent of the entire first echelon position.

In the judiciary, the number of female judges in 1996 numbered 536 (16.19 percent) of the total number of 3,311 judges. Of the total of 150 judges of the State Administrative Court, 35 or 23.35 percent were women. In the Advisory Council, of its 45 members only 2 were female; in the Supreme Court there were 7 women out of 47 Supreme Judge. Data for 2003 reveal that at the provincial and district level, there was no female holding provincial governor position, only two women occupied the office of vice governor (6.25%) of 32 provinces, and four out of 440 districts (0.9%) were headed by women.

83. The government made an effort to promote gender equality in public service through capacity building of senior women officials by encouraging and facilitating their attendance at the regular career development training programs organized by the National Administrative Institute.
84. Lack of political education and political maturity proved to be a major challenge for the reform process towards a full-fledged democracy. This is particularly true for women who traditionally were prevented from entering public life and engaging in political activities.

## Article 8

### International Representation and Participation

*State Parties shall take all appropriate measures to ensure women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.*

85. Indonesian women were represented in the Indonesian delegation to the following:

- UN Conferences: Habitat II, Istanbul, 1996; Rio +5, NY, 1997; Vienna +5 1998; ICPD Cairo +5, 1999; Millennium Summit, NY, 2000; Rio +10, Johannesburg, 2002; Vienna +10, Geneva, 2003 (UN Frame Work).
  - NAM and OIC
  - Regional / Sub Regional Conferences: APEC, ASEAN
86. The number of women holding positions as Ambassador, Consul General and Consul was still limited. There was no upward trend from 2000 - 2003. Indonesia had six female Ambassadors, available to the country's 81 Embassies and two female Consuls General of 26. In view of the fact that an increasing number of women took the entrance examination for the Ministry of Foreign Affairs (MOFA) and the increasing numbers of them passed the exam there was great hope that in the future more Indonesian women would be able to represent the country at the international level and participate in the work of international organizations. As of 2003, 12,350 individuals applied to participate in Junior Foreign Service Courses. The final results revealed 98 applicants had passed the final examination, with 47 of them being women.
87. The increasing number of women occupying second echelon in all ministries and government institutions has opened wider opportunity for them to represent the country in international or regional/sub regional meetings. Many of them have indeed participated as members of the Indonesian Delegation to those meetings. In addition the number of women who obtained doctoral degree and professorship at the Universities both State and Private, has also opened wider opportunity to participate in international and regional scientific meetings.
88. Indonesia is a country with approximately 240 million people who were led by a woman president during the term, 2001-2004. Some women have held prominent positions in international organizations such as members of a) the Committee on the Elimination and Discrimination against Women (CEDAW), 1985-1988, 1991-1994 and 2001-2004; b) the Committee on the Rights of the Child (Chairperson); c) Director, Division for Women's Health of the World Health Organization (WHO); d) Executive Director for the Asia-Pacific Division of the International Monetary Fund (IMF); and, e) President of the International Council of Women.

## **Article 9**

### **Laws on nationality**

- (a) *State Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.*

(b) *State Parties shall grant women equal rights with men with respect to the nationality of their children.*

89. To respond to the need for change, especially to promote equality between men and women, the new Draft Law on Citizenship of the Republic of Indonesia (amending Law No. 62 of 1958) is currently being scrutinized by the relevant institutions and stakeholders. The Department of Justice and Human Rights is in charge to finalize this draft law until it is duly deliberated and approved by the Parliament.
90. The Government completed its deliberation of existing national laws and cited quite a number of laws that were still gender-biased and discriminative against women. The root of the problem stemmed from the different principles among the states, namely “*ius sanguinis*” and “*ius-soli*”. Secondly, it was also caused by mixed-marriages between Indonesian women and foreign nationals. Law No. 62 of 1958 on Nationality stipulates that Indonesia should apply the principle of “*ius sanguinis*” and not recognize dual-citizenship. However, if a foreign woman marries to an Indonesian man, she can be naturalized within one year of her marriage, once she renounces her original nationality (Article 7). The aim of this regulation is to avoid bi-nationality and to guarantee the unity of law for the family. The same regulation should also apply to an Indonesian woman who marries a foreigner (Article 8). The issue most often criticized regarding the law on nationality had been Article 9 which stipulated that the Indonesian citizenship of a husband automatically should pass on to his wife, unless she retained another nationality. In the new draft law, Article 20 made provision for the wife to reject Indonesian nationality by written declaration. This article was designed to provide gender equality before the law. Article 24 stipulates that the foreign nationality of a woman who marries an Indonesian man can be retained by declaration before an official or Indonesian representative up to two years following the marriage, except that this nationality would bestow dual citizenship. Since mid 2003, a revision to this law has been proposed and is currently being discussed in the Parliament. Recently, the Indonesian Parliament and Government passed a law on protection of the well being of all Indonesians in the public and private spheres. Although a revised Law on Citizenship has not been finalized, a breakthrough decision on status of nationality has been made by the South Jakarta District Court, using Law No. 23 of 2002 on human rights (Article 29).
91. Some of the revisions of Law No 62 of 1958 on Citizenship that now complement the Convention are as follows:
- a) The nationality of a child of a mixed marriage shall be Indonesian, provided that the child does not yet have a nationality (Article 1). Recently, there was a case in Jakarta that allowed the court to base its decision to grant citizenship to the Indonesian mother based on this law;
  - b) *Article 20* stipulates that Indonesian citizenship of a husband will be shared by his foreign-born wife through a legal union, *except* that this gain of citizenship would bestow on his wife bi-nationality or the wife could make a written declaration to reject

the gaining of Indonesian citizenship. This provision clearly makes it possible for the wife to exercise her right to claim or reject the Indonesian citizenship of her husband;

- c) *Article 21*: A child (under 18 years of age, unmarried) born from an Indonesian mother and a foreign father, although already divorced, can claim the Indonesian nationality of his/her mother;
- d) *Article 22*: A child (under 18 years old, unmarried) born from an Indonesian mother and a foreign father, both divorced, but the child is under the custody of the mother, can seek Indonesian nationality;
- e) *Article 24* stipulates that a woman with foreign citizenship who weds an Indonesian man *may* acquire Indonesian citizenship by a declaration to this effect before an Indonesian Official or State Representative, except that the acquisition of this citizenship would bestow bi-nationality on the individual. This provision would allow the individual to freely choose or reject citizenship of the Republic of Indonesia;
- f) *Article 29* stipulates that an Indonesian woman who marries a foreigner loses her Indonesian citizenship. Otherwise, if she intends to maintain her Indonesian citizenship, within two years after marriage, she *may* apply by written declaration to the Minister of Justice and Human Rights, or an Official or Representative of the Republic of Indonesia;
- g) *Article 30*, in the case of the husband who loses his Indonesian citizenship as a result of marriage, his wife loses her Indonesian citizenship as well. Unless she has rejected his citizenship, she becomes stateless.

92. After the reforms starting in 1998, a lot of changes were undertaken including, for the first time, revision and reform of the 1945 Indonesian Constitution by the People's Consultative Assembly of 2000. Some of the changes reveal a political commitment to promote a more democratic form of governance while upholding the sovereignty of the State. The following are some of the significant revisions:

- a. *Article 27*: "All citizens shall be equal before the law and the government and shall be required to respect the law and the government, with no exceptions";
- b. *Article 28 B*: "Every person shall have the right to establish a family and to procreate based upon lawful marriage";
- c. *Article 28 D*: "Every person shall have the right of recognition, guarantees and protection, and certainly before a just law and of equal treatment before the law;
- d. *Article 28 H*: "Every person shall have the right to receive facilitation and special treatment to have the same opportunity and benefit in order to achieve equality."



93. Although the 1945 Constitution guarantees the equality between women and men, in reality discrimination prevails. For instance, a husband can have a private tax number, but the wife must be accommodated by her husband in that regard. The discrimination against women is mostly caused by existing socio-cultural patriarchal values still prevailing in the society.

## **Article 10**

### **Education**

*State parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure on a basis of equality of men and women:*

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;*
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;*
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods;*
- (d) The same opportunities to benefit from scholarships and other study grants;*
- (e) The same opportunities for access to programs of continuing education, including adult and functional literacy programs, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;*
- (f) The reduction of female student drop out rates and the organization of programs for girls and women who have left school prematurely;*
- (g) The same opportunities to participate actively in sports and physical education;*
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.*

94. The 1945 Constitution stipulates that every individual shall have equal opportunities to gain an education. This means there must be no discrimination in gaining access to both formal and non-formal education, regardless of geographical location, socio-economic status, religious belief and sex. In line with this, Law Number 2 of 1989 on National

Education system has been revised by Law Number 20 of 2003 to confirm the inclusion of gender perspective in the National Education System as stipulated in Articles 4 (1) and 5 (1). (See text Art. 4(1) and 5(1)).

95. Despite of the existence of constitutional guarantee for gender equality in the rights to education since the Indonesian independence, some traditional gender stereotyped practices in almost all aspects of education remain prevalence. Gender inequalities also remain to be reflected throughout the educational activities such as in the teaching and learning process, in the textbooks as well as in the teaching aids. However, Indonesia has achieved progress in reducing gender disparity in the overall literacy rate and as well as primary and secondary education participation. There is no gender parity at the primary level, but gender ratios at the junior secondary level tends to be more than 100 percent, indicating a slightly higher proportion of enrolled girls compared to boys and most children in the age group 7-15 have completed their nine-year basic education program. The ratio of girls to boys in senior secondary education (16-18 years) and in tertiary education are 97.1 percent and 92.8 percent respectively in the year 2002 reflecting a slightly lower percentage for girls.
96. The Year 2000 National Survey reveals that around 34.5 percent of the Indonesian population had completed elementary education or lower and only 15 percent had completed junior high school. At the elementary school level, there was no gender gap between girls and boys, but there was a gap at the higher level of education: girls completing high school amounted to only 12.8 percent while boys reached 17.5 percent. Similarly there was a significant gap with regard to illiteracy rates for both sexes in urban and rural areas. Statistics compiled by the Ministry of National Education for 1999/2000 reveal that the percentage of the drop-outs at the elementary level was 3 percent. At the junior high school level, the percentage of drop-outs was 4.1 percent while at senior high school level it was 3.4 percent, the majority of whom were girls. Because of this, it is difficult for them to obtain better jobs.
97. In order to achieve gender equality in the field of education, Government has been promoting the application of “gender mainstreaming strategy” as mandated by Presidential Degree No. 9 of 2000 through the following measures:
  - a. Intensification of efforts in promoting regular and systematic collection and analysis of sex – disaggregated data and their publication;
  - b. Incorporation of gender perspective in the university and school curricula, particularly in the area of health, by introducing gender perspective of the HIV/AIDS pandemic and reproductive health as an important component of women’s health;
  - c. intensification of research on gender issues and increasing support for women/gender study centers in the higher education institutions;

- d. Revision of students and teachers' guide books as well as textbooks on social studies, civic education, sports and language which are still gender stereotyped;
- e. Provision of fellowships and quota for girls in order to increase their access to higher level of education as well as access to certain "non-traditional" field of studies;
- f. community awareness raising campaign targeting primarily parents, teachers, religious and traditional leaders to eliminate their gender stereotyped attitudes towards girls which has resulted in reducing the opportunity of girls to enjoy their basic rights to education as well as in limiting most females students' choices to social sciences including education, behavioral sciences, business and psychology, and avoiding mathematics, physics, and technical subjects; other negative impact on women of such stereotyped attitude is reflected in the fact that majority of drop outs at the elementary level (3.0 %), junior high school level (4.1 %), and senior high school level (3.4 %) are girls.
- g. Introducing the application of gender mainstreaming strategy in the entire stages of educational development from policy formulation, planning, programming and budgeting to monitoring and evaluation of progress achieved.
- h. Increasing budget allocation for education consecutively since 1996/1997 but remained less than of the National Budget, but 20 % of the total National Budget has been introduced by the amendments of 1945 Constitution in 2002/2003 and since then special budget has been allocated for gender mainstreaming in education.

## **Article 11**

### **Employment**

- A. *States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:*
  - (a) *The right to work as an inalienable right of all human beings;*
  - (b) *The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;*
  - (c) *The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;*
  - (d) *The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;*

- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;*
  - (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.*
- B. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:*
- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;*
  - (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;*
  - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;*
  - (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.*
- C. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.*
98. According to SAKERNAS (National Labor Force Survey), over the years 1996, 2000 and 2003 the working age population, here defined as 15+ years, grew from 131.9 to 143.2 and became 152.6 million persons respectively. Women constitute slightly more than half of the workforce. Overall labor force participation remained fairly stable (66.9 percent in 1996; 67.8 percent in 2000; and 65.7 percent in 2003), but rose slightly for males in those years from 83.5 to 84.2 and then 85.3 percent, but fluctuated for females in the period 1996-2000 (moving from 50.7 percent in 1996 to 56.5 percent in 2000), and decreased in the period 2000-2003 (falling to 46.3 percent in 2003).
99. Open unemployment rose, however, faster for females (from 5 to 12 percent) than for males (from 4 to 7 percent) from mid-1990 to 1999. In a way, growing open unemployment during the early 1990s was consistent with the prevailing optimism arising from steady rapid economic growth. More people wanted to join the labor market. Not only were the educational elite seeking better paying jobs in the formal sector of the labor market but also those with secondary education were hopeful of finding such openings.
100. Unemployment is higher today than it was in the pre-crisis period (9.1 percent in 2003 as compared to 4.7 percent in 1997). Agriculture is still the major form of employment –

absorbing 44 percent of the workforce in 2001, compared with 19 percent for industry and 37 percent for services. The share of women in wage employment in the non-agricultural sector declined from 37.6 percent in 1998 to 28.3 percent in 2002. This can possibly be attributed to the effects of the 1997-1998 economic crises during which more women than men were laid off.

101. The general assumption that formal sector employment is preferred over informal sector activity also applies to Indonesian workers. The records reveal a definite preference for paid work as opposed to unpaid work in family enterprises. Overall, the share of paid workers declined from one-third (33.8 percent) in 1996 to one-fourth (26.3 percent) in 2003. Among males the change was from three to four out of every 10 workers and among females from two to three out of every 10 workers. On the other hand, the status of unpaid workers was quickly abandoned once an opportunity for formal employment presented itself. Overall, the share of unpaid workers declined from three to two-tenths - among males from 11 to 8 percent and among females from 40 to 20 percent between 1994 and 2003. These data show an increased relation between the share of paid and unpaid workers. The relation is, however, not a straight line. It is not true that those not entering or leaving unpaid jobs necessarily admitted in paid work. In fact, other trends also occurred over time and these changes have been different for males and females. Usually females preferred not to work due to marital status, while males preferred to assume self-employment status. Yet this category also declined for males from 51 (1996) to 49.9 percent (2003), pointing to the fact that males reach less than the status they desire. While most became employees, a smaller proportion became employers (1.8 to 4.0 percent). Women remained at least a step behind. Rejection of unpaid work was accompanied by a decline in the share of self-employed female workers, dropping from 38 to 28.3 percent, but there was a rise to some extent among female employers, increasing from 0.8 to 1.0 percent.
102. The overall position of women in terms of human development is reflected in the gender-related development index (GDI) of the UNDP Human Development Report of 2002. Indonesia's GDI was 59.2, compared to 65.8 percent for the HDI (the overall human development index), the difference being due principally to lower literacy, fewer years of schooling and a smaller share of earned income on the part of women.
103. Indonesia's commitment to the cause of human rights in employment is demonstrated by its ratification of all core conventions of ILO as follows; ILO Convention No 87 of 1948 concerning Freedom of Association and Protection of Rights to Organize by Presidential Decree No 83 of 1998; ILO Convention No. 29 of 1930 concerning Forced Labor ratified in 1950; ILO Convention No 138 of 1973 concerning the Minimum Age for Admission to Employment by Law No 20 of 1999; ILO Convention No 111 of 1958 concerning Discrimination in Respect of Employment and Occupation by Law No 21 of 1999;
104. The 2003 amendment of the 1945 Constitution clearly stipulated that every citizen has the right to work and make a living (Article 28 (2) Amendment). This is further confirmed in

Law No 13 of 2003 on Labor, in particular Articles 5 and 6, states that all workers shall have the same opportunity to get a job without discrimination (art 5), and every worker has the right to receive equal treatment without discrimination from their employer (Art. 6). Those who break the law are subject to administrative sanctions. A married woman can therefore perform all activities pertaining to such labor contracts, including earning equal pay, which means that she is entitled to demand complete fulfillment of the labor contract for the benefit of her family. The adoption of the above law is a testament of Indonesia's commitment to worker human rights in particular for the protection and extension of social security and welfare of their labor force consistent with all of ILO conventions ratified by Indonesia namely ILO Convention No. 100 of 1950 on Equal Remuneration ratified through Law No. 80 of 1957; ILO Convention No. 111 of 1985 on Discrimination in Employment and Occupation ratified by Law No. 21 of 1999; ILO Convention No. 87 of 1984 concerning Freedom of Association and Protection of the Right to Organize ratified by Presidential Decree No 83 of 1998; ILO Convention No. 138 of 1973 concerning Minimum Age for Admission to Employment ratified by Law No. 20 of 1999; ILO Convention No. 98 concerning the Right to Organize and Collective Bargaining also ratified by Law No. 18 of 1956. The Government works closely with CSO-s in making sure that employers are committed, aware, understand and do implement international labor standards. Government also work with CSO's in systematic monitoring of the implementation of the said Labor Conventions.

105. Law No. 43 of 1999 on Civil Servants (amending the Basic Law for Civil Servants No. 8 of 1974) guarantees the equal rights between male and female civil servants.
106. Usually, women in the workforce are under the assumption that they are either single or seeking supplementary income and therefore consistently receive significantly lower salaries than men for the same work done. For that same reason, women employees are not entitled to equivalent family allowances and health benefits and are less likely to get same career development opportunities as men. Women face similar constraints for recruitment opportunities. While women are under-represented in the workforce, they are more likely to be working part-time or very long hours. They are also less likely to be self-employed and half as likely as men to be employers. The sectors where women have the greatest representation, agriculture and trade, are generally less regulated and are less well paid than other sectors. Moreover, women are considerably over-represented as unpaid family workers. In the public domain, women are less likely to achieve senior positions. Although women comprise 38 percent of the civil service, they account for only 16 percent of civil servants at senior level positions. Among trade unions, which should be strong advocates for enforcing women's rights and equity in the work force, women account for only 1 percent of the leaders but 40 percent of their membership.
107. The external barriers to women's advancement in the labor market are relatively clear, but internal constraints also have an impact. Not all women are willing to enter the workforce. Moreover, women may be more inclined to turn down promotions when they are offered. This reluctance is probably related to insufficient support at home for child care and

household management – where the responsibility lies primarily with women, whether they work or not – or husbands discourage their wives. However, more investigation is needed to determine why women choose not to work or take their careers to higher levels.

108. Women have been seeking work overseas in the hope of gaining better wages, if not better status caused by their low level of education and lack of options in the labor market. While precise data is lacking, it is estimated that there are some 2.5 million Indonesian migrants working abroad (Asian Migrant Year Book, 2000). More than 70% of the 387,000 registered Indonesians who leave Indonesia each year to work overseas are women, the majority of them serving as domestic workers. Despite hundreds of abuse cases every year that include non-payment of wages and extortion in the destination countries and during pre-departure stages in Indonesia, very little has been done to provide protection for migrant workers, or to provide adequate pre-departure preparation for them.
109. To increase the skill and working capacities of workers as well as their economic self reliance several vocational and income generating training activities have been conducted for workers and employees of small-scale industries.
110. To disseminate information and increase awareness of the rights of the worker, the Government, in cooperation with NGOs/CSOs, has published manuals on workers' rights and established mechanisms to ensure their application for social justice. A specific monitoring system has been established to ensure compliance to the principle of equality in employment particularly regarding minimum wages, maximum working hours and appropriate working conditions.
111. The Asian Financial Crisis in 1997 had a great impact on the poor particularly women, which prompted the Government to design several support programs to assist women generate income from the following activities, namely:
  - a) The creation of small scale business groups, focusing on small shops;
  - b) Establishment of cooperatives for savings and loan services;
  - c) The establishment of Joint learning groups on small scale business, on credit management, on marketing, on business start-up etc;
  - d) The provision of credit schemes for poor men and women.
112. The government also launched a short term Social Safety Net program with a gender perspective focusing on three priorities namely: i) temporary income transfer through rice distribution to the poor; ii) employment creation through labor-intensive public works, vocational training, job placement for the unemployed, and iii) preservation of access to critical social services, particularly education and health.

113. During the crisis, private companies and enterprises laid off thousands of workers, especially those with low wages, low skills and low education levels. In general, women mostly fell under these categories. Their plight led to an increasing number of them seeking work abroad and usually end-up working as household helpers. Due to the informal nature of this work, the rights of the workers are generally not included and regulated by national legislation, both in the country of origin and the country of employment. Consequently, workers were exploited sexually, physically, and psychologically, and faced difficulties seeking justice. Aware of the problems, the Government has taken several measures namely:
- a) the development and improvement of a database and management system through the Internet;
  - b) the establishment of an insurance program;
  - c) the improvement of services provided for returning workers up to their hometown;
  - d) the establishment of a management coordinating board at national and provincial levels (in 15 provinces);
  - e) the improvement of working contract arrangements (content and procedures) to ensure the active and informed involvement of the workers themselves and their employers as well as government representatives of both Indonesia and country of employment;
  - f) advocacy and training for job seekers about job availability, requirements and workers' rights;
  - g) Memoranda of Understanding with countries of employment to ensure the protection of the workers rights (MOU already signed with Kuwait and Jordan, and include joint Permanent Legal Assistance in the countries of employment)
114. The protection of women workers' rights is stipulated under Law No. 1 of 1951 on Employment and under Government Regulation No. 4 of 1951 on Rest Periods and No. 8 of 1981 on Wage Protection. The Government also established the JAMSOSTEK Fund (social security fund for workers) in 1977. The Government also set up specific regulations to protect women's reproductive rights through Ministerial Regulation No. 3 of 1989 which prohibits employers from laying-off women workers due to marriage, pregnancy or childbirth. Article 2 of this regulation points out that if, due to the characteristics of the work, a pregnant worker cannot perform her duties, the employer is required to substitute duties without compromising their rights in the company. If the employer fails to arrange for substitution of work, then longer maternity leave must be given.



115. Government Regulation No. 8 of 1981 on Wage Protection provides that employers shall not discriminate between female and male workers in determining the rates of remuneration for work of equal value. Circular letter of the Minister of Manpower No. 04 of 1988 prohibits discrimination between men and women in collective labor agreements, including gender-based differentials for pension-age and the provision of health care for workers and their families (unless the husband is working in the same enterprise and is already covered). The Government ratified the ILO Convention No. 100 by Law No. 80 of 1957 on Equal Pay for Equal Value of Work.
116. Government regulation No. 1 of 1951 provides female workers with one and a half month's leave, both before and after childbirth. The regulation also recognizes the rights of working mothers to breastfeed their infants up to the age of six months, although during the period covered by this report this provision had not been fully implemented nation-wide. Ministerial regulation No. 3 of 1989 provides female workers to be reinstated to their same position, status and labor rights after taking maternity leave. Ministerial Decree No. 04 of 1989 stipulates that women should not be compelled to work at night (22.00 - 05.00), unless they do so voluntarily with the full consent of their family and they are able to meet the specific requirements for the night job. Law No. 13 of 2003 on Labor, reaffirms the above provisions. Efforts are being made to prepare a ministerial regulation to ensure full implementation of these provisions.
117. The promotion of gender equality in the work force is essential to any successful poverty reduction strategy, but equally important is the underlying fact that better working conditions, quality jobs, quality public services and other support services are fundamental in the promotion of equal opportunities for all. While globalization provides wider opportunities for gender equality and justice, it also creates conditions that can perpetuate gender inequality in the work force.
118. The importance of providing equal access to education and training is fully recognized as one of the strategic enabling tools for achieving gender equality and justice in work.
119. The Government is currently preparing Guidelines on Equal Employment Opportunities (EEO) to address the remaining inequalities, including gender inequalities, in work.

## **Article 12**

### **Health**

- (a) *State Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality with men and women, access to health care services, including those related to family planning.*
- (b) *Notwithstanding the provision of paragraph 1 of this article, State Parties shall ensure to women appropriate services in connection with pregnancy, confinement and post-natal*

*period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.*

120. The government's health policy is reflected in its goal of attaining Health for All by the Year 2010. The policy framework reflects High-level Governmental Commitments in five important areas, namely (1) universal access; (2) community-based health services; (3) family planning; (4) decentralized management; (5) local financial accountability. The Government affirms health as a basic right of all citizens-women and men, young and old-and ensures access to health services regardless of income, ethnic or geographic origin. Indonesia's National Health System sets out the commitment to provide "Integrated, evenly distributed, acceptable and accessible "health services. There is no discrimination between men and women in accessing health service providers. National policy also recognizes the necessary and legitimate role of the private sector in providing health services.
121. Indonesia has always been a vigorous advocate of the 1994 International Conference on Population and Development (ICPD) in Cairo that placed people at the center of all development efforts toward the betterment of mankind. Improvement in reproductive health is a pre-requisite for sustainable prosperous socio-economic development. Investment in people through their health and education is seen as the key to sustained economic growth and development. The ICPD also gave new impetus to safe motherhood programs by including them under a broadened mandate of reproductive health. Although the approach in reproductive health ideally should cover the whole life cycle, close attention is being given to at least five main areas, namely: (1) safe motherhood, including new-born care, prevention and management of complications from abortion, (2) family planning; (3) sexually transmitted diseases/reproductive tract infection, including the management of infertility;(4) adolescent reproductive health; (5) prevention/management of reproductive health problems of the elderly. Taken together, the first four areas are known as the Essential Reproductive Health care package, while, if merged with the prevention/management of reproductive problems of the elderly, it is known as the Comprehensive Reproductive Health Care Package.
122. The Government of Indonesia through the Ministry of Health conducted several activities to eliminate any possible discrimination in the provision of health services, especially reproductive health services. The highest level of political commitment toward the provision of reproductive health care has actually been displayed from June 1988 onwards with the Safe Motherhood Initiative, a major component of the reproductive health program. Several other measures have been taken, including the provision of more qualified midwives in each village and their delivery posts (or maternity huts) and the promotion of public awareness and support, through the "Mother Friendly Movement" and the "Alert Husband" campaign. Apart from these measures, the Government has encouraged the establishment of Mother Friendly Hospitals and Mother Friendly Sub-Districts that provide appropriate obstetric emergency care and monitor pregnant women for early detection of obstetric complications, referrals and emergency preparedness.

123. As part of the Making Pregnancy Safer campaign, reducing maternal morbidity and mortality have become central priorities in health sector development as stated in the Maternal Health Strategic Planning initiative 2010, which has three objectives: (1) every delivery should be assisted by a trained health provider; (2) every obstetric and neo-natal complication should be adequately managed; and (3) every woman at reproductive age should have access to the means to prevent unwanted pregnancy and to deal with complications arising from unsafe abortions. The said objectives are to be implemented through four strategies: a) improvement of access to and coverage of quality care that is cost effective and evidence-based; (b) building of effective partnerships among programs and institutions and maximization of resource mobilization and improved coordination in planning and implementation of activities; (c) encouragement of women and family empowerment by improving their knowledge to ensure appropriate practices and utilization of maternal and neonatal health services; (d) encouragement of community involvement to ensure the provision and utilization of maternal and neonatal health services.
124. The current maternal mortality rate in Indonesia is 307 per 100,000 live births (SDKI 2003). This rate is the worst among the ASEAN countries. Reduction of the maternal mortality rate has been slow in improving. In 1992 to 1997, the rate was 390 to 334 per 100,000 live births, while the target of the Government is 125 per 100,000 live births by 2010. The maternal mortality rate is a complex issue, encompassing the physical well-being, reproductive health and nutritional status of mothers during pregnancy. It also correlates very closely to traditional stereotyped socio-cultural values and misinterpretation of religious teachings of society which results in the low level of education and status of women. During delivery, 66 percent of pregnant women are assisted by trained midwives but 79 percent of rural women give birth at home. The 1995 survey shows that 30 percent of pregnant women suffer from chronic energy deficiency. In 2001, this increased to 34 percent. However, between 1995 and 2001 there was a sharp drop in the number of pregnant women who were anemic, the record showing a shift downward from 51 percent to 40 percent. The infant mortality rate in 1999 was 46 per 1000 live births, with 41 per 1000 live births girls and 52 per 1000 live births boys; the girls mortality dropped to 51 per 1000 live births in 2001. This rate is also the worst among ASEAN countries. In 1999, the mortality rate for girls was 14.8 per 1000 population and 16.8 per 1000 population for boys (*Statistics and Gender Indicator, 2000*).
125. To help protect women's childbearing and reproductive rights, the Government encouraged the creation of childcare services within the workplace. To date more than 700 thousand businesses have agreed to set up crèches in their workplaces. Other efforts depend on the use of the mass media to inform people on issues related to reproductive health and women's right to reproductive health services. Women have also been made aware of gender-based violence.
126. The political commitment to ensure conditions for successful reproductive health care is reflected in Law No. 7 of 1984 on the ratification of the Convention on the Elimination of

All Forms of Discrimination against Women, Law No. 23 of 1992 on Health, Law No. 10 of 1992 on Population Development and the Development of Family Welfare. It has been proposed that the Law on Health should be revised, to incorporate the new paradigm on reproductive health and Law on Population Development. All of these laws are intended to attain reproductive health goals in Indonesia.

127. Other supporting activities for reproductive health involve effective measures to provide care for women who are victims of violence, in particular domestic violence which often seriously impact reproductive health. Services may include psychological and mental treatment as well as access to a hospital referral system and gender mainstreaming in health programs. In 2003, six priority programs with a gender perspective started and have been carried out namely Tuberculosis, Malaria, Nutrition, Environmental Health, and HIV/AIDS. In the future, more programs will be added.
128. There are other concerns with regard to reproductive health relating to the health of the aged, abortion issues, cervical and breast cancer, infertility, gender-based violence and discrimination. Issues linked to the reproductive health of the aged are increasing in line with the growing size of this target group. The main issues are menopause, osteoporosis, prostate cancer, cardiovascular diseases and other degenerative diseases affecting the reproductive organs.
129. With regard to adolescent reproductive health and reproductive tract infections, the Government has taken several steps to address the special needs of this group through service delivery points that provide counseling and through the mobilization and involvement of their families in solving their problems. The Government has also established a National Committee on Reproductive Health, one responsive to the needs of adolescents. The Committee aims to strengthen coordination and provide a forum for planning and implementation. In addition, the Government has developed an education package for adolescents through an Information, Education and Communication (IEC) program using mass media in collaboration with family planning associations. Information has been disseminated through schools, universities, out of school programs and forums for peer education and education for parents. There are counseling services set up for adolescents on reproductive health. Special movies and TV programs are being targeted towards youth and adolescents. There are also training programs for midwives and family planning field workers whose aim is to enhance the reproductive health of adolescents through the provision of appropriate counseling and services.
130. Adolescent reproductive health problems have also attracted attention. These problems have a physical and mental impact on affected individuals. They can also have long-term socio-economic effects which do not impact the victims only but also their families and eventually society and state. The main problems faced by the adolescent community are:
  - Unwanted pregnancy leading to unsafe abortion and its complications

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- Premature pregnancy and birth delivery which can contribute to infant and maternal mortality rates
  - Pre marital and unsafe sex can spread sexually transmitted diseases, including HIV/AIDS; and
  - Possible sexual abuse such as rape, sexual harassment and involvement in commercial sex.
131. The base line survey, conducted by the Demography Institute, for 15 - 19 year-olds in four provinces of Indonesia (East Java, Central Java, West Java and Lampung) in 1999 indicated that:
- 57.1 percent of the girls have anemia
  - 23 percent of the adolescent female population suffer chronic energy deficiency
  - 61 percent have unwanted pregnancies, with 12 percent of them undergoing abortion and 70 percent performing the abortion themselves
  - 10 percent assisted by traditional helpers to perform the abortion, but only 7 percent by making use of professional medical assistance
132. In connection with pregnancy, confinement and post-natal care, there is the “Making Pregnancy Safer” strategy to reduce maternal and neonatal morbidity rates, and activities to overcome unsafe abortions. In line with the regulation on illegal abortions, the Government provides Family Planning programs focusing on “unmet needs” and the “4 too’s” (too young, too old, too frequent, too many) and is gradually introducing emergency contraceptives to prevent unwanted pregnancy.
133. Since its adoption in the 1994 ICPD in Cairo, abortion has become a controversial issue. This confirms that each individual has a right to reproductive health and access to safe abortion services. Under Indonesian law, abortion conducted outside recognized medical facilities is illegal. Due to failures related to family planning, rape, desperate economic circumstances or pregnancy outside of marriage, some women resort to unsafe abortion methods which can aggravate their condition (referred to as complicated abortion). Complicated abortion is believed to be responsible for 15 percent of the maternal mortality rate. Cervical and breast cancers are most common among young, fertile mothers. Early detection of breast cancer can be done individually, while cervical cancer can now be detected through the use of acid, since pap-smear is quite expensive.
134. In addition, substance use/abuse of narcotics and psychotropic drugs is significant among adolescents. It has been reported that adolescents aged 15-19 years represent 0.5 percent of cases of substance use (Adolescent Reproductive Health Survey in 2002-2003). As a consequence, adolescent reproductive health problems prove more complicated as can be

seen from the 30 new cases of AIDS reported from April to June 2003. Of the lot, 56.66 percent were caused by the use of contaminated needles, with those aged 20-29 years having the highest percentage of cases (53.33 percent). This figure indicates considerable sexual activity during adolescence.

135. The Government and NGOs are working together to address adolescent reproductive health issues. For example a program to educate youth on reproductive health and sexual health is being introduced through youth clubs and Islamic boarding schools, as well as through Rematri (Remaja Putri) or teen-girl programs. This program is designed for teenager ages 12-19 years who want to learn more about reproductive/sexual health and other related issues. An international donor agency has provided support to the Government for development and implementation of essential reproductive health services focusing on gender mainstreaming in reproductive health including male involvement in reproductive health, quality of care, adolescent needs and vulnerability of certain groups to HIV. While very different in approach, all types of interventions address the same concerns namely the danger of premarital sex; dangers of early sexual relationships and pregnancy; access to advice on early marriage; gender roles in the family and society; and greater men's involvement in family responsibilities. Support was also given to organize campaigns on the risk of sexually transmitted diseases, HIV/AIDS through the mass media and seminars targeting adolescents. To ensure proper care for infected and affected victims, a supportive social and legal environment has been created to address the issues of STDs and HIV/AIDS.
136. The Family Planning Program has reduced the fertility rate from 5.6 children per couple before 1990 down to 2.6 in 2003. An extensive network of family planning services provided through the National Family Planning Coordinating Board is integrated into the Integrated Services Health Posts (Posyandu which exist in all 6,600 villages). The aim of government policy in managing the size and growth of population is to reduce the fertility rate to replacement level by the year 2010-2015. It is recognized that poverty, illness and ignorance, as well as large families are the main causes of low population quality. The government therefore decided to enhance the quality of the population through family planning, creation and enlargement of job opportunities to enable working mothers and fathers to increase their per capita income, enhancement of health services, reduction of infant and maternal mortality, increased school participation and enrolment through compulsory basic education (from nine to twelve years enrolment).
137. Indonesia's success in family planning program is well recognized internationally. This program has contributed significantly to the reduction of its population growth, due to the reduction of its Total Fertility Rate (TFR). During the period 1967 - 1970, the TFR was 5.6, which was cut almost in half in the period 1995 - 1997. Currently, the TFR is 2.6 (SDKI 2002). However, it has been realized that male participation in family planning is still very low. The prevalence rate of contraception use in 1987 was 48 percent, increasing to 57 percent in 1997, and 60.3 percent in 2003. However, around 0.4 percent

of males had vasectomies. Therefore special programs have been designed and carried out to increase male participation in order to realize gender equality in family planning.

138. The 2002 survey indicates that the number of married women using contraceptives (unmet-need) was still high, around 8.6 percent, similar to 1997 (9 percent). This mainly is caused by lack of access to the required information for both women and men and lack of participation of men in family planning as well as family planning counseling during the post-natal period for both women and men.
139. Data from 1997 show that there is still a high prevalence rate of infection of women's reproductive system in Indonesia. A case study has been conducted in the northern part of the capital city, Jakarta. It was found that out of 312 women surveyed (family planning clients) 24.7 percent had an infected reproductive system; 10.3 percent were infected by parasites and 5.4 percent by genital diseases (gonorrhoea). The study results alerted officials to the threat of sexually transmitted diseases facing housewives and thus pointed to the need for the inclusion of knowledge and services about STDs in Family Planning and Maternal Health programs. However, this effort encountered many challenges, namely lack of health providers and socio-cultural constraints which hindered total treatment for those infected with sexual/genital diseases that interfere with reproductive functions.
140. The first HIV case in Indonesia was found in 1989 and thereafter, HIV cases started increasing after 1995. From that time, blood donors affected by HIV increased from 3 per 100,000 donors in 1994 to 4 per 100,000 donors in 1998 and climbed to 16 per 100,000 in 1999 (the increase was eightfold in 10 years). In 2000, there was a significant change in the HIV infection rate, which originally was greatest amongst commercial sexual workers. Taking a sample case from the western region of Indonesia, in the province of Riau in the Tanjung Balai Karimun district only 1 percent of HIV/AIDS cases could be found there in 1995/1996, but incidences of HIV/AIDS increased to more than 8 percent in 2000. In the eastern province of Irian Jaya, it was around 26.5 percent, and in the capital city of Jakarta and West Java around 5.5 percent. In the same year, almost all provinces of Indonesia have reported HIV cases in their respective areas. In 1999, a new phenomenon became evident when HIV cases were found amongst narcotics and drug addicts sharing syringes. In the capital city, Jakarta, HIV/AIDS cases was 40 percent in 2000 and increased to 48 percent in 2001. It can be stated that from 1996 to 2002, there was an increase of cases to almost 17.5 percent. In 1996 it was found that only 2.5 percent of the AIDS cases were due to narcotics/drug users. This figure has dramatically increased to almost 20 percent in 2002. Two of the largest age groups of HIV positive/AIDS cases can be found among 20-29 year olds. From all the data that has been collected, in general there are more males than females affected by HIV. The future trend indicates there will be an increase of HIV-infected cases in the next five years due to an increased number of unprotected sexual encounters and the usage of same syringes amongst drug addicts. The number of HIV/AIDS cases up to 30 December 2003 numbered 4091: 2720 HIV-infected and 1371 AIDS-infected respectively, 479 of whom have passed away.

141. The government of Indonesia is seriously committed to prevent and combat the prevalence and spread of HIV/AIDS since its first case. In order to enhance public awareness of the deadly impact of HIV/AIDS, the government conducted several mass media campaigns, workshops, seminars, interactive dialogues etc. in collaboration with NGOs. By Presidential Decree of 1994, the government established a National Committee on HIV/AIDS consisting of representatives of various ministries and government institutions. Similar committees were also established at the provincial and district levels, chaired by respective heads of local governments. The Committee and various relevant sectors also set up Working Groups on AIDS in accordance with their respective tasks and functions. Various religious bodies and NGOs/CSOs participated actively in the prevention measures through counseling, IEC, education, training, medication and treatment. Technical assistance and funds were provided through international, regional and bilateral collaboration and cooperation with WHO, UNAIDS, UNICEF, UNFPA, UNDP, World Bank, ADB and other organizations. The Coordinating Minister of People's Welfare introduced a National Strategy on HIV/AIDS in 1994, with main objectives of mobilizing and involving society in the national effort to combat and prevent HIV/AIDS as well as in gender-sensitive provision of medical treatment and services. Special "Information, Education and Communication" materials were produced and used to intensify the campaign all over the country. In 2003, the strategy was revised to respond to the increasing incidence of the virus and the related disease as well as to the need to apply the most recent and effective medical treatment.
142. Other problems that the Government of Indonesia must address are linked to illicit trafficking and use of narcotics and drugs by the young generation both in urban and rural areas. The government has taken this into serious consideration and has put measures in place to deal with the situation namely:
- (a) the ratification of the UN Convention on the prohibition of Trafficking and the Illicit Use of Narcotics and Drugs;
  - (b) Law No. 22 of 1997 on Narcotics;
  - (c) the establishment of a National Narcotics Agency
  - (d) the establishment of a Directorate of Drugs and Narcotics, Ministry of Justice and Human Rights and
  - (e) the establishment of a special prison for crime related to narcotics and drugs abuse.
143. The tasks of the MOWE are to coordinate and cooperate with women organizations, community organizations and other related parties in the prevention of the illicit use of narcotics; disseminate information through IEC strategies, promote the regulation and the enforcement of laws on narcotics and promotion of the role of the media.



144. Expansion of health infrastructure, including the number of physicians, dentists, nurses, paramedics and midwives has been essential in promoting the health of women, children and their families. However the sudden economic crisis in 1997-1998 cut down on these services and facilities dramatically, adversely affecting the poor, particularly women and children. To overcome the problem, the government introduced a Social Safety Net Program that includes health programs. The Social Safety Net Program provides the poor with free health services at government health centers and hospitals and makes available supplementary food to children under five and pregnant lactating women in poor villages. Special incentives were given to health staff in impoverished areas and the government re-established the country's food and nutrition surveillance system to provide early warning of nutrition needs, especially in areas where food production had fallen.

### Article 13

#### Social, Economic and Cultural Rights and Benefits

*States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights in particular:*

- a. The right to family benefits*
  - b. The right to bank loans, mortgages and other forms of financial credit;*
  - c. The right to participate in recreational activities, sports and all aspects of cultural life.*
145. Women and men who work as government civil servants will be entitled to family benefits in accordance with their ranks and positions within the bureaucracy, except for civil servants whose spouses work in the same department/office as they do. It is left to the husband and the wife themselves to decide who will be entitled to the family benefits. In this case, most families choose the spouse who earns more, which does not necessarily mean the husband, because the amount of the family benefits constitutes certain percentage of the salary. Another benefit provided to civil servants is health/medical insurance without gender discrimination and includes expenses for a maximum of two times delivery. However, in the private sector, the Government has not been able to enforce such provisions for all private enterprises, although the Social Security Scheme for workers (Jamsostek) has been instituted since 1977 and Indonesia has ratified all core Conventions of ILO. Therefore, Government, in particular Ministry of Manpower and MOWE has been working closely with CSO's in particular Labor Unions, Employer Unions and Women Advocates for Women's Workers Rights to formulate Guidelines on Equal Employment Opportunities in order to speed-up full implementation of international labor standards. Similarly, for those who work in private companies, every worker, including their family members, has the right to benefit from a social security scheme. The employer must also provide welfare facilities for every worker and his/her family.

146. Women have the right to seek bank loans for any purpose, including mortgage, open bank accounts, and to make deals with their business partners without the consent of their husbands or other members of the family. There is no legal restriction on women participating in social life, including participation in entertainment, sport and recreational activities. A woman can obtain a passport or other traveling document independently.
147. Currently, the Government through inter-departmental working group for equality in the world of work, in collaboration with CSOs is working among others to synchronize legislations and regulations to improve women's access and opportunity to obtain social welfare support, bank loans and credits.

## **Article 14**

### **Rural Women and Poverty**

- A. *States Parties shall take into account the particular problems faced by rural women and the significant roles which they play in the economic survival of their families, including their work in the non-monetized sectors of the economy and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.*
- B. *States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on the basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:*
- a. *To participate in the elaboration and implementation of development planning at all levels;*
  - b. *To have access to adequate health care facilities, including information, counseling and services in family planning;*
  - c. *To benefit directly from social security programs;*
  - d. *To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter-alia, the benefit of all community and extension services, in order to increase their technical proficiency;*
  - e. *To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;*
  - f. *To participate in all community activities;*
  - g. *To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;*

*h. To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.*

148. Indonesia's situation during the period under review represented the full meaning and depth of the term multidimensional crisis. Poverty alleviation efforts were undertaken for more than three decades. The results of such efforts were as follows:

Years			
1996	1999	2002	2003
11,3%	23,4 %	18,2 %	17,4 %

Although the crisis had a severe impact on all segments of the population, its worst effects were noticeable among women and children. In many cases, the crisis deprived many women of their role as the main income providers for their families. In continuing efforts for poverty alleviation, the Government of Indonesia was fully aware that women were the most vulnerable group of the society. All efforts were conducted within the framework of developing support through economic resource mobilization among private companies, including private banks. Women's empowerment efforts, especially in the field of the economy, were considered an integral part of all efforts to improve the quality of life of women.

149. In line with the Declaration and Program of Action of the 1995 Copenhagen Social Summit, work was done to reduce the incidence of poverty which had befallen women mostly in rural areas. Through the Presidential Instruction of 1998, the Government initiated the "Integrated Movement on the Eradication of Poverty" program or Gerdu Taskin (Gerakan Terpadu Pengentasan Kemiskinan). In keeping with the new approach, in 1999 the Coordinating Minister for the People's Welfare and Poverty Alleviation developed a plan for the alleviation of poverty, utilizing the prosperity approach and placing people at the heart of this approach, rather than emphasizing economic growth. Within this new approach, the Government, in collaboration with CSOs, professional organizations, universities as well as poor families, launched a poverty eradication movement.

The main strategies outlined by the Government were: i), a program focusing not only on industries and how to improve them, but also on people and family empowerment; ii) an acknowledgement of the socio-cultural diversity of the nation, with new development programs revolving around the decentralization process; and, iii), the development program encouraging an independent network of stakeholders.

150. In the past, measures taken to resolve the problems focused mainly on: the economy especially macro-economic growth with centralized policies and superficialities, while the community was considered mainly as objects of development and the multi-dimensional aspects, in particular the social cultural aspects of poverty, were generally ignored. Therefore the reformed Government in 2002 established a Coordinating Team with the responsibility to formulate a New Poverty Eradication Policy and later on a Poverty Eradication Committee for the implementation of the new policy.

The new policy of 2003 was an integrated multidisciplinary one and contained new approaches and strategies for poverty reduction along the following lines: (a) Expansion of opportunities inherent in macro-economic recovery, good governance and increased public services; (b) Community empowerment through increased access to economic resources and involvement in decision making processes; (c) Capacity building and improvement of living conditions through the provision of affordable education, health, food and shelter for the poor; (d) Development of a social security system, giving priority to the poor, the handicapped, victims of social conflict and the retrenched.

151. Several efforts were made to improve the quality of life of women in the economy in 2000-2003. To empower small-scale women entrepreneurs in both urban and rural areas, MOWE, the National Cooperatives Council, Indonesian Women Entrepreneurship Association, UNILEVER (a private company), Bank of Indonesia and MANDIRI Foundation, signed a memorandum of understanding to support women in small-scale businesses and assist them with access to loans and credits. This MoU also provided technical training to enhance the range of skills, including their marketing and business promotion skills.

Other measures were designed to:

- (a) Activate credit and financial schemes such as Takesra and Kukesra that were introduced before the Beijing Conference. Although these schemes were tied to family planning, they helped poor women who were marginalized to improve their incomes.
- (b) Carry out government policy for poverty alleviation through community empowerment strategies. In order to achieve this, programs were carried out to implement the Presidential Instruction for Underdeveloped Villages in 1993 and the Partnership Business Development Credit that had been implemented.
- (c) Improve the business climate for Small and Medium Enterprises. To this end, Law No. 9 was enacted in 1995. This law upholds the principle of gender equality and justice in business activities, fair competitiveness and product diversification.
- (d) Offer other supporting programs for economic empowerment such as the provision of credit by the Department of Agriculture and the Joint Learning Group by the Department of Social Affairs; income-generating activities by the Family Welfare

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Movement and an integrated Healthy and Prosperous Family program coordinated by MOWE in collaboration with banks and NGOs.

- (e) Implement the Social Safety Net program with special attention to ensure equality of women participation.
- (f) Ensure equal access of women to the existing social security fund, Jamsostek, which was originally designed only for dismissed workers based on a gender stereotyped belief that all dismissed workers were men.
- (g) Involve more women in KUD (village cooperative unit) and women farmers in KUT (Farming Cooperative).

152. CSOs conducted various empowerment activities targeting women in small-scale businesses. These CSOs were Pusat Pengembangan Sumber Daya Wanita (Women Resource Development Center), Bina Swadaya, Bina Kesuma, Solidaritas perempuan and other women's organizations. Some of the programs offered:

- (a) Training in income generating activities such as skills training for women who were dependent on home industry, and improvement of their access to rolling capital credit;
- (b) Seminars, workshops and training programs providing information and procedures for possible access to financial and other economic resources;
- (c) Establishment of cooperatives for women in poor urban and rural areas in order to enhance women's social economic activities.

153. Before the crisis in 1997, there were several gender-sensitive policies and programs launched by the Government to eradicate poverty, such as:

- a. Provision of low interest loans and subsidized fertilizer to sustain farmers purchasing power, which succeeded in increasing the real income of farmers, men and women, who made up the majority of the population;
- b. Increasing the UMR (regional minimum wage) which had also succeeded in improving the purchasing power of workers and strengthening the domestic market;
- c. Provision of credit for small businesses;
- d. Expansion of the cooperatives;
- e. Special fiscal policies;
- f. Presidential Instruction on Least-developed Villages Development specially emphasized social, education and health services, expansion of business opportunities,

including making household credit available to help most of the poor who lived in these villages.

154. The primary objective of the Presidential Instruction was to improve the standard of life in least-developed villages, including building the capacity of families for income-generating activities as well as provision of supplementary feeding for school children to enhance their nutritional status, leading to improvements in their health condition and educational attainment. Apart from focusing on women in agricultural areas, the Government also gave attention to women living in forested areas, which cover almost one third of all islands in Indonesia. To generate income from the forest environment, the Government conducted training for women in forestry so they could carry out economically productive activities such as culturing beehives to make honey, using cocoons to make natural silk and encouragement to grow herbal plants.

### **Article 15**

#### **Equality before the Law**

- (a) States Parties shall accord to women equality with men before the law.*
- (b) States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.*
- (c) States Parties agree that all contracts and all other private instruments of any kind with a legal effect, which is directed at restricting the legal capacity of women shall be deemed null and void.*
- (d) States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.*

155. Article 27 of the 1945 Constitution guarantees that each citizen has equal rights and obligations before the law and government and is obliged to fully uphold the law and respect the government without any distinction whatsoever. Meanwhile, in the Human Rights Law No. 39 of 1999 this principle is found in Article 3, paragraph 2. The principle of equality before the law is also enshrined in numerous laws and government policies. In recent years there has been increasing attention and demands from various segments of society for a more speedy process of democratization, law enforcement, and legal reform.

156. The Civil Code stipulates that all adult persons, whether male or female, have the same legal capacity. So every adult individual holds his/her own legal capacity to enter into contracts or agreements without any concern about other parties. With regard to the

administration of property, a married couple has equal rights to conclude contracts. With regard to travel and choice of residence and domicile, men and women have equal rights.

Obviously if they are married, a wife will first consult her spouse on such matters, in the same way that a married man will first consult with his wife, before making a final decision. This is actually a reflection of the fact that their marriage is based on mutual respect and honor, and therefore their decision should also be based on mutual agreement. Any disagreement or dispute should be settled amicably. However if they cannot settle the matter privately, they can invite a third party, usually parents to be their mediators. Only if an agreement still cannot be reached, then the matter would be taken before the courts.

157. Women were granted equal rights as men to engage in any transaction such as purchasing, selling, renting, hiring and other activities related to property and real estate. Since business laws and regulations did not discriminate against women, women could set up companies, act as business partners and hold administrative positions in all types of business and at all levels of positions.
158. Women were granted equal rights with men to participate in every stage of the judicial process. Women could act as prosecutors, lawyers, and judges and take part in the deliberations of all courts, namely first level court, appellate court, and supreme (cassation) court. Women were also granted equal rights to sue independently and to act as witnesses.
159. Regarding access to legal services, women and men were given equal rights and the same opportunity to seek advice from and appoint lawyers, report offences and other matters to the police and other legal institutions. In Indonesia, free legal counsel was made available to poor suspects, especially suspects under threat of jail sentences of 15 years or above (based on Criminal Procedural Code No. 8 of 1981).

## **Article 16**

### **Marriage and Family**

*States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:*

- a. The same right to enter into marriage;*
- b. The same right freely to choose a spouse and to enter into marriage only with their free and full consent*
- c. The same rights and responsibilities during marriage and its dissolution;*

- d. The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;*
- e. The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;*
- f. The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;*
- g. The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;*
- h. The same rights for both spouses of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.*

160. The Marriage Law No. 1 of 1974 confirms the equality between men and women which is revealed by its recognition that:

- a) men and women have equal rights to enter into marriage;
- b) men and women are protected by the minimum age requirement for marriage;
- c) men and the women should obtain consent from their parents and give their consent for the union (as bride and groom) if the bride or the groom is under 19 years old;
- d) after marriage, both husband and wife have the legal capacity to enter into all transactions ;
- e) the property acquired during marriage is joint property;
- f) dissolution of marriage must be decided by the courts and for reasons set out by the law. Legal sanctions are being proposed for individuals who force a child under 18 years old to marry.

161. Critical review of Marriage Law No.1 of 1974 has been going on since ratification of CEDAW by women activists as well as by the government, MOWE, Ministry of Religion and Ministry of Justice. The review has been based on the fact that some of its articles are discriminative against women, particularly with regard to household responsibilities and the sexual division of labor. It confirms the stereotyped positions of women in the private sphere - where the man is normally taken to be the head of the family and the woman is automatically assigned the responsibility for maintaining the home and caring for



children. The review concluded that there was need to revise Article 31(3) which identifies the husband as head of the family and the wife as a head of household. It was recommended that women should have equal rights as men to be the head of the family, so that stereotyped positions between women and men in the family should not be reaffirmed. Regarding Article 4 (2) which permits the husband to practice polygamy for the following reasons: 1). the spouse's inability to carry out her responsibility as wife; 2). she suffers a physical disability or falls victim to an incurable disease; or 3). due to her inability to bear children, it was strongly recommended that the article should be totally amended because it was considered an extremely discriminative legal provision.

162. A married woman was legally enabled to choose either to keep her maiden name or to assume the name of her husband. There was no legal regulation concerning this matter. In fact, there was no law requiring a citizen to have a family name or surname. A child would be given a name, which would be registered in his/her birth certificate. Some people added their father's name to their given name as a family name. Several ethnic groups have a clan name such as the Batak from North Sumatra, Manado from North Sulawesi and Ambon from Maluku, and the clan name is regarded as the family name or surname.
163. Both men and women were granted the same right to enter into marriage. The legal age at which a girl would be allowed to marry was set at 16 and 19 for a boy, meanwhile the Government encouraged them to delay marriage until the girl attained the age of 20 and the boy 25. This was done In order to give them the opportunity to continue their education and to be more prepared and mature for the responsibilities of marriage. In spite of this, early marriage continued to be practised widely, especially in rural villages and urban slums. It was also been proposed that the legal age for marriage should be similar to the age recommended in Law No 23 of 2002 on Child Protection which had been set at 18 years. This was to discourage parents from forcing their children into early marriages and to allow children to complete the nine-year compulsory education program.
164. The "*Two Children Are Enough*" Family Planning Campaign emphasized that the family should have no gender preferences for children because there were no real differences in value between boys and girls. The Family Planning Campaign also increasingly promoted male participation in family life and reproductive health education for the public especially for youth, both girls and boys.
165. Regarding the relationship between religious and civil law, it was recognized that the religious courts had the competence to implement the provisions and regulations of the Marriage Law. A divorce would be permitted, if one of the parties:
  - a) Had committed adultery or had become an alcoholic, a drug addict, a gambler or some other vice that was hard to be cured;

- b) Had abandoned the other for two continuous years without the other party's consent and without valid reasons or for reasons beyond the affected party's control;
- c) Punished with imprisonment for five years or longer, after the marriage had been concluded;
- d) Became physically disabled or afflicted with a disease preventing him or her from fulfilling conjugal duties
- e) Causes constant disputes, disagreements and quarrels with his/her spouse so that accord and harmony in the family was no longer possible.

The husband or wife could file a suit for divorce. Cohabitation had no legal status. A divorced party could remarry.

166. In the case of a marriage that had been dissolved by divorce, joint property would be disposed of according to the relevant law. The consequences of the dissolution of a marriage by divorce would be as follows:

- a. The mother as well as the father would continue having the responsibilities to nurture and educate their children, in the best interests of the children. In the case of a dispute concerning the custody of the child/children, a court of law would render its judgment.
- b. The father should be accountable for all expenses related to the nurturing and education of the children. In the case of the father being unable *de facto* to be in charge of his responsibilities, a court of law may decide that the mother shall share the burden of the expenses for the children.
- c. A court of law may bestow the obligation upon the ex-husband to pay alimony and/or determine some other form of compensation to the ex-wife.

167. Child adoption policy in Indonesia would be based on the principle of the best interest of the child, as stipulated in the Law No. 23 of 2002 on Child Protection. This principle implies that man and women enjoyed equal rights to adopt children.

168. The betrothal and the marriage of a child would have no legal effect, and all necessary action, including legislation, should be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

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