



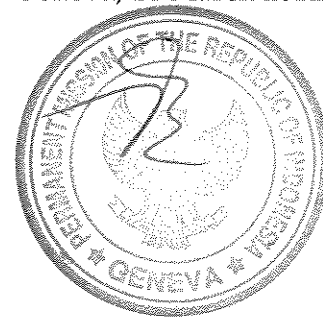
PERMANENT MISSION  
OF THE REPUBLIC OF INDONESIA  
TO THE UNITED NATIONS, WTO  
AND OTHER INTERNATIONAL ORGANIZATIONS  
IN GENEVA

N° 047/Pol-II/III/2012

The Permanent Mission of the Republic of Indonesia to the United Nations, World Trade Organization, and other International Organizations in Geneva, presents its compliments to the Office of the High Commissioner for Human Rights (OHCHR) and with reference to the Letter of the Chairperson-Rapporteur Working Group on the issue of discrimination against women in law and in practice No. WGdiscrimination (2011-2) has the honour to convey the information on practices, legislative and policy reforms adopted by the Government of the Republic of Indonesia for the advancement of women's rights and gender equality in times of political transition since the entry into force of the Convention on the Elimination of All Forms of Discrimination against Women in 1980.

The Permanent Mission of the Republic of Indonesia to the United Nations, World Trade Organization, and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights (OHCHR) the assurances of its highest consideration.

Geneva, 14 March 2012



Office of the High Commissioner  
for Human Rights (OHCHR)  
Attn. Working Group on the issue of discrimination against women,  
in law and in practice

Fax no. 022 917 90 08  
Geneva

**Practices, legislative and policy reforms adopted by the Government of Indonesia for the advancement of women's rights and gender equality in times of political transition since the entry into force of the Convention on the Elimination of All Forms of Discrimination against Women in 1980**

As a state party to Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and part of international community who actively promotes cooperation in the advancement of women and the achievement of various global agreements in the field of women, Indonesia continues to make efforts to eliminate all forms of discrimination against women, both in legislation and in practice.

The strengthening of norms and protection mechanisms for women's rights at the national level are undertaken along with the reinforcement of human rights norms as a whole and as part of the process of strengthening democracy. To support this national effort, Indonesia promotes international cooperation, at regional and global level, to pay more respect for women's rights.

**Constitutional and other legislative initiatives and reforms put in place to promote women's rights and gender equality, including through the revision and repeal of discriminatory provision in legislation.**

1. The 1945 Constitution has firmly adopted non-discrimination principle over the recognition of the rights and obligations of citizens. This principle has been the state foundation for the advancement of the people's welfare and the nation's intellectual life. Women and men are equal before the constitution and laws.
2. At the World Conference of the United Nations Decade for Women in Copenhagen on 29 July 1980, the Government of Indonesia signed the CEDAW. The signing was an affirmation of Indonesia's willingness to participate in many international efforts to eliminate all forms of discrimination against women. The Convention is in line with the constitutional mandate of Indonesia.
3. On 24 July 1984, Indonesia ratified CEDAW with Law no. 7 of 1984 on the Ratification of the Convention on the Elimination of All Forms of Discrimination against Women. Indonesia's ratification to CEDAW is a form of concern from the Government over the issue of women's rights, as well as a commitment to ensure gender mainstreaming and justice and gender equality through various regulations, policies, programs, measures and action in order to realize the elimination of all forms of discrimination against women.
4. Along with the total reform process from the authoritarian regime to a democratic Indonesia and the efforts to recover from the economic crisis in the late 90's, Indonesia enhances its compliance and commitment to the promotion and protection of human rights. In this regard, Indonesian women play an important role in political and economic development.
5. As part of the said reform process, the 1945 Constitution was amended to include a number of articles on the promotion and protection of human rights and the principle of equality between women and men. There have been about twelve new articles concerning human rights which are incorporated into the constitution.
6. Furthermore, the Law No. 39 of 1999 on Human Rights sets up women's rights in a special chapter. The Law also provides the foundation for affirmative action, other than stressing the non-discrimination principle and promoting gender equality. The affirmative

action policy on women's political participation can further be seen in the Law No. 15 of 2011 on the Holding of General Election.

7. The Constitution and the Human Rights Law provide a solid foundation for the state to eliminate discriminatory practices against women and protect women's rights. One Law being revised is Citizenship Law to be more pro women and recognizes the principle of *ius sanguinis* (follows the mother's citizenship). Other law such as Law on Marriage is also subject to upcoming revision as it contains discriminatory elements on the relations between women and men in a family.
8. In order to avoid discriminatory provisions in both central and regional legislations, the Ministry of Women Empowerment and Child Protection, the Ministry of Law and Human Rights and the Ministry of Home Affairs together in 2011 established the Parameter on Gender Equality as a guideline or analysis tools in formulating law and legislatives in accordance with Law No. 12 of 2011 on the Formulation of Law and Regulations. This parameter is directed to legislators and policy makers both central and regional levels to take gender equality as a consideration in formulating legislations.
9. To further strengthen gender equality, the draft Law on Gender Equality was proposed by the government. Currently, the drafting process of the draft bill has been initiated by the Parliament and will be one of priority bills to be deliberated this year. This draft is hoped to have a very strategic role to serve as an umbrella, not only for the executive branch, but also the legislature, the judiciary, universities and the private sector.

**Strengthening the framework of state institutions, machineries and mechanisms to implement actions in order to eliminate all forms of discriminatory and violence against women.**

10. The President appointed a Minister of Women Empowerment with initial nomenclature as Junior Minister for Women Affairs since 1978, who is tasked with formulating policies to empower women in various aspects of life.
11. In 2009, the Government established the Ministry of Women Empowerment and Child Protection based on Presidential Regulation No. 47 of 2009. The Ministry is specifically responsible for the implementation of the elimination of all forms of discrimination against women and enhancement of the role and status of women in Indonesia. The Ministry also serves as a focal point in policy making, facilitating cooperation and initiating mechanisms for the protection of women and children.
12. Since 1993, a national human rights institution, that is National Commission for Human Rights (Komnas HAM), was established to implement study, research, advocacy, monitoring, investigation and mediation on human rights issues taking place in Indonesia, including responding to people's inquiries related to women's rights. Five years later, a National Commission on Violence against Women (Komnas PEREMPUAN) was then formed to serve as a national mechanism to eliminate the act of violence against women. The establishment of Komnas Perempuan was a response of the civil society's request the government, particularly women organizations, to realize the state responsibility in addressing cases of violence against women throughout the nation. It was stemmed from the incidents occurring prior the *Reformasi* era in 1998, especially the sexual violence to Chinese-descendant women in May 1998 riots.
13. To ensure full participation of women as equal to men in national development, Presidential Instruction No. 9 of 2000 on Gender Mainstreaming in National Development is enacted as a basis to strategize gender mainstreaming programs in

national and sub-national levels of governance. The Ministry for Women Empowerment and Child Protection is responsible to assist and ensure its implementation. As a follow up to the Instruction, many government institutions in national and sub-national level have agreed a MoU with the MoWECP on the implementation of gender mainstreaming strategy within their respective institutions to formulate policies with the principles of gender equality.

14. A policy on Gender Responsive Budget (GRB) has been issued which is integrated in the planning of government budgeting. GRB promotes equality for women and men in gaining access, benefits, and participation in decision-making and control over resources as well as equality of opportunity and chance in selecting and enjoying the outcomes of development. The GRB is formulated by utilizing gender analysis in preparing the Terms of Reference (ToR), considering the issues of gender disparity and its possible improvements in Gender Budget, and preparing Gender Budget Statement (GBS) according to the Ministry of Finance Regulation No. 104 of 2010 on Guidelines for Establishment and Review of Budgeting Planning for Ministries/Institutions 2011.
15. At the local level, special government institutions have been established to handle the issues of equality for women's rights at the provincial and district/municipality level. Such government institution was initially called the Regional Bureau of Women Empowerment and was subsequently integrated into the organizational structure of local government, in accordance with the Government Regulation No. 41 of 2007 on the Organization of Regional Bodies. In addition, the equal rights of women and men in regional level are also regulated by the Minister of Home Affairs Regulation No. 15 of 2008 on General Guidelines for the Implementation of Gender Mainstreaming in the Region. A number of local governments have formulated and implemented local laws that guarantee gender equality, such as Banten Province's Regulation No. 10 of 2005 on Gender Mainstreaming in Regional Development, Banten Governor Regulation No. 39 of 2006 on Guidelines for the Regional Action Plan for Gender Mainstreaming and Lampung Governor Instruction No. INST/02/B.VIII/HK/2002 on Gender Mainstreaming.
16. The government had strengthened the sustainable gender responsive policies, in line with the application of the principles of good governance and sustainable development as emphasized and stipulated in Mid-Term National Development Planning for the period 2004-2009 and 2010-2014.

**Improving women's political participation, on equal terms with men, in the transitional and post-transitional process at all levels of decision-making, including through the adoption of temporary special measures.**

17. Indonesia is aware of its large number of human resource potential. Women, comprising 49.8% of Indonesian population, are also important actors towards national development. Therefore, Indonesia is of the view that women should also obtain significant portion in the agenda of development, especially their participation in politics and decision-making process. Not only to empower women as part of the community, it is also to fulfill their rights to participate in national development process.
18. With the fact that women are still minor part in the public decision-making bodies, Law No. 10 of 2008 on General Election and Law No. 2 of 2011 mandate political parties to include 30% women among their executive boards in central and regional levels and among their proposed candidates of legislator. The Ministry of Women Empowerment and Child Protection is now proposing a scheme of affirmative action for women in the upcoming General Election 2014 to ensure better representation of women in the parliament.

19. During the last National Election in 2009, the 30% of quota for women participation in politics as temporary special measures was mandatory. The measure was one of the requirements for political parties to join general legislative election, according to Law on General Election. They were required to include 30% of women in their proposed list of legislative candidates otherwise they could not proceed to participate in legislative election.
20. Efforts in women empowerment in politics have shown some positive developments. In the 2004 Election, 11.09% out of 560 members of parliament were women and in the 2009 Election the number increased to 17.86%. Moreover, a Women's Parliamentary Caucus has been established to actively collaborate with the government and civil society to promote the formulation of pro-women Law. At the executive level, women have held many positions such as president, governor, minister, high-ranking official, regent/vice regent, mayor/vice mayor, regional police chief, and district/municipality police chief. The overall percentage of men and women in public service is almost equal: 56% of men and nearly 44% of women.
21. Even though the temporary special measure has contributed to the progress of women participation, improvements need to take place. The Ministry of Women Empowerment and Child Protection has created a handbook on guideline for improving women participation in legislative and executive, especially those in the regional levels. The handbook consists of general information on politics and democracy and the significance of women participation in that process. Furthermore, all stakeholders have been providing efforts to increase the electability and capacity of women in politics.
22. Education in Indonesia has also included gender equality in the curriculum taught in primary and secondary schools as part of in the subject of civic and character building. The formulation of curriculum with gender perspectives is also expected to strengthen respect by the society to the capacity and potential of girls and boys within the principles of equality. This is as stipulated in the Regulation of the Minister of National Education No. 22 of 2006 which serves as the basis of curriculum standards for writing schoolbooks and teaching.
23. Moreover, the National Action Plan on Human Rights for the period 2011 – 2014 includes numerous action plans that aim at enhancing women representation in public affairs.

**Increasing women's access to justice, including transitional justice mechanism.**

24. Law No. 23 of 2004 on Domestic Violence has provided stronger legal basis for the state's efforts in combating violence against women, especially domestic violence. This law has been followed-up through various measures, including the Regulation of the Minister of Women Empowerment and Child Protection, Chief of Indonesian National Police Regulation, as well as the establishment of the Coordination Network for the Elimination of Domestic Violence. Up to 2010, there have been 305 Women and Children Service Unit in Police stations, 43 Integrated Crisis Unit in police hospitals in Indonesia, 42 Women Crisis Centers, and 121 Integrated Services Center for Women and Children Empowerment (P2TP2A) in 18 Provinces.
25. Moreover, relevant stakeholders utilize the law as one of the basis for advocacy in combating violence against women. As it criminalizes the act of domestic violence and provides protection for the victims, the law provides legal certainty for the public to report the case and bring the perpetrators to justice.
26. To strengthen state apparatus' capacity in addressing the issue of violence against women as well as children, the Ministry of Women Empowerment and Child Protection

has issued a Ministerial Regulation No.1/2010 on the Minimum Service Standard on Integrated Service for Women and Children Victims of Violence. The standard was formulated in cooperation with all stakeholders and is used for measuring the state's performance in providing the integrated services for women and children being the victims of violence. The Ministry of Women Empowerment and Child Protection together with the Chief of National Police, the Attorney General, the Supreme Court, National Commission on the Elimination of Violence against Women (Komnas Perempuan), the Minister of Law and Human Rights and Association of Indonesian Legal Counsel (Peradi) have signed an MoU on Access to Justice for Women Victims of Violence to accelerate the advocacy processes on violence against women cases, among others through trainings for law enforcers.

27. The Minimum Service Standard sets out five types of services for the victims that are complaint handling; health service; social rehabilitation; legal aid and law enforcement; and repatriation and social reintegration. A set of manual for the implementation of this regulation was made available for all related government ministries at national and sub national level, as well as for the law enforcers.
28. Furthermore, a MoU between Legal Aid Institute for Women Protection (LBH APIK) and the General Attorney Office No. 001/MoU/LBH APIK Jkt/2009 on Training Program of Handling Cases of Violence against Women and Children was signed on January 30, 2009. This MoU is a significant breakthrough in Law Enforcement Program. The main goal of this MoU is to guarantee that reinforcement of gender perspective law shall continue within the law enforcers themselves. Besides that, it aims at setting up special priority for handling cases of violence against women and children. Although the MoU was only for one year, both parties have agreed to continue this MoU as needed.
29. Indonesia remains committed to take any necessary step in order to combat violence against women. Under the pillar of the implementation of human rights norms and standards, particularly women's rights, The National Action Plan on Human Rights 2011-2014 provides strategies to improve the prevention of domestic violence and the protection and services for women and children victims of violence. This includes a series of awareness raising programs targeted to state apparatus and the public and the improvement of integrated services and advocacy for women and children victims of domestic violence.
30. Related to the fulfillment of women's access to justice, particularly concerning the access to a fair trial and legal assistance, the Government has provided legal assistance and information on legal affairs through the District Courts throughout Indonesia. This program is led by the Supreme Court for the period of 2004-2010 through Services Program and Legal Aid. Meanwhile, during 2010-2014, the program is implemented through the General Court Management Improvement Program, which is not only focused on women but also to those who are poor. As for legal assistance, the Supreme Court (namely the Religious Court through Religious Court Management Improvement program) has been working with Women Headed Household (*Perempuan Kepala Keluarga/PEKKA*) group by giving legal assistance to women, especially women in poverty, in providing marriage record for their divorce process and implementing circuit court (*sidang keliling*) in order to bring legal services closer to the community.
31. The Government of Indonesia launched the National Strategy on Access to Justice in 2009 on the basis of equality before the law, without discrimination and special treatment. It has eight areas of strategic plan, one of which is the plan of action to expand women's access to justice and eliminate all forms of violence against women.
32. The Mid-Term National Development Planning of 2010-2014 has included the aspect of women protection as well as access to justice. This is evident by the issuance of

Presidential Instruction No. 1 of 2010 on the Acceleration of the Implementation of National Development Priorities to further strengthen the Planning. It comprises 14 programs, in which gender equality and women empowerment are included as the development priority in social welfare. To complement the Instruction, a Presidential Instruction on Just Development was issued in 2010 with specific target of development to alleviate poverty and reduce unemployment, including for women.

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