

**Indonesia National Commission on
Violence against Women**

**(Komisi Nasional anti Kekerasan
terhadap Perempuan - Komnas Perempuan)**

**National Human Rights Institution
Independent Report**

**Regarding the Implementation of the Convention on
the Elimination of All Forms of Discrimination
against Women in Indonesia, 2007 - 2011**

Submitted to the CEDAW Committee

8 October 2011

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A. Introduction

1. This report is prepared by Indonesia's National Commission on Violence against Women (Komnas Perempuan), an independent state body for the enforcement of women's rights in Indonesia. Komnas Perempuan was established through Presidential Decree No. 181 of 1998, which was then reinforced by Presidential Regulation No. 65 of 2005, in response to the demands of civil society (particularly women's groups) to the government. These demands called for the state to take responsibility for cases of sexual violence against women, particularly the sexual violence experienced by women in the May 1998 riots aimed at ethnic Chinese in Indonesia.
2. Komnas Perempuan's work foundation is the 1945 Constitution of the Republic of Indonesia, Law No. 7 of 1984 regarding the Ratification of the Convention of All Forms of Discrimination Against Women (CEDAW), Law No. 5 of 1998 regarding the Ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Declaration on the Elimination of Violence against Women of 1993 and other policies on human rights.
3. Komnas Perempuan's mandate is to develop conditions conducive to the elimination of all forms of violence against women and to promote the enforcement of women's human rights in Indonesia. This includes increasing efforts to prevent and reduce all forms of violence against women and to protect women's human rights. Komnas Perempuan has the authority to make all efforts to: increase public awareness; conduct monitoring, fact-finding and reporting on situations of violence against women as violations of human rights; review laws and policies and conduct strategic research; provide suggestions and considerations on policies to government agencies and community organizations; and develop cooperation at national, regional and international levels.
4. With this broad mandate and authority, over the last 13 years Komnas Perempuan has played an effective role as a national human rights institution (NHRI) in compliance with the Paris Principles. Its independent selection process of its commissioners has strengthened the capacity of the organization to guarantee its independence and pluralism. Komnas Perempuan has progressed into a unique model of NHRI focusing on women's human rights at regional and international levels.
5. Komnas Perempuan's strategic approach in developing and carrying out its mandate is to consult various stakeholders such as victim communities, women's rights advocacy groups, human rights advocacy groups in general, other civil society organizations as well as both legislative and judicial government authorities. The information compiled in this report stems from Komnas Perempuan's monitoring results and consultations with these stakeholders.

B. General Situation

6. From 2007 to August 2011, Komnas Perempuan noted that while there was some progress made there were also stagnation and setbacks in efforts to eliminate discrimination and gender violence against women. This can be seen from three aspects: the policy framework; the structure; and the culture between state officials and society.
7. There are at least 61 new policies designed to support efforts to fulfil women's human rights: 21 policies at national level, 2 Memorandums of Understanding (MoUs) between agencies at national level, 34 policies at local level and 4 policies at ASEAN regional level (A list of policies can be found in Appendix 1.). The 21 policies at national level directly and indirectly reinforce guarantees to freedom from discrimination based on gender, race and ethnicity in politics and government, in efforts to harmonize policies, in access to healthcare and in minimum standards of treatment for women victims of violence. The 34 local policies enacted regulate integrated services for women victims of violence, the prevention and handling of human trafficking, health services and education. Three out of the four policies at ASEAN regional level are important milestones for the enforcement of human rights in the region. These policies have brought about human rights bodies

of a general nature (AICHR – the ASEAN Intergovernmental Commission on Human Rights) and bodies with a work focus on the rights of women and children (ACWC – the ASEAN Commission on the Promotion and Protection of Women and Children’s Rights). The two MoUs were between Komnas Perempuan and other relevant institutions for human rights education and the creation of standards for the protection of witnesses and victims.

8. As of August 2011, Komnas Perempuan recorded that there are now more than 400 institutions set up by the government to handle cases of violence against women at national, provincial and district levels. The majority of these are service units for women and children within the police (UPPA, 305 units), followed by Integrated Service Centres for the Empowerment of Women and Children coordinated by the Ministry of Women’s Empowerment and Child Protection (P2TP2A, 113 units), and crisis centres at hospitals (PKT and PPT, 63 units). There are also 42 women’s crisis centres (WCC) set up and managed by communities (particularly women’s groups) in more than 20 provinces. The majority of cases handled by these institutions were cases of domestic violence and human trafficking.
9. Komnas Perempuan appreciates the proactive outlook assumed by the Indonesian government in building its leadership in the area of human rights. This is demonstrated by the government’s open stance in seeking input from national human rights institutions and civil society in developing human rights mechanisms at the Southeast Asian regional level and internationally. It is important to note that the Indonesian representatives at the AICHR, the ACWC and the independent human rights commission currently being developed by the Organisation of Islamic Cooperation are experts jointly nominated by the government, national human rights institutions and civil society.
10. Notwithstanding the emergence of these new policies, several necessary improvements to the legal framework important to women’s rights in Indonesia, which were the focus of the CEDAW Committee in its last report, have not been implemented. The revision to Indonesia’s criminal code has been lacklustre. As a result, sexual violence such as rape, sexual torture, sexual exploitation and sexual abuse experienced by women has not been fully recognized or been given the handling and attention that victims require. The delayed revision of the criminal code is thought to have contributed to the entrenchment of impunity, particularly in cases of sexual violence linked to broader human rights violations. This includes past human rights violations such as the May 1998 Tragedy, the 1965 Tragedy and violations that took place in areas of military operation and in the contexts of other conflicts. Efforts to revise laws on marriage to prevent female child marriage, the practice of polygamy and the reinforcement of gender role stereotypes in the family still lack results. Similarly, efforts to amend citizenship laws to guarantee equal rights for men and women to keep or change their citizenship have not been successful, particularly for migrating women who are trafficked for trans-national marriage or sexual exploitation. Indonesia still does not have laws for the protection of female domestic workers; Law No. 23 of 2004 regarding the Elimination of Domestic Violence has not been sufficient to serve as the legal basis for their protection.
11. The planned ratification of several international conventions such as the Rome Statute, the CAT Optional Protocol, The CEDAW Optional Protocol and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (the Convention on Migrants) has also been delayed. In the National Action Plan on Human Rights passed via Presidential Regulation No. 23 of 2011, the ratification of the Rome Statute has now been set for this year, the CEDAW Optional Protocol for 2012 and the CAT Optional Protocol and Convention on Migrants for 2014. The ratification of these conventions is vitally important in guaranteeing women’s rights to access justice.
12. Lack of understanding about human rights and gender justice has led to strong opposition to groundbreaking laws. Two policy inroads at the national level aimed at levelling the field for women in politics by mandating affirmative action in the form of a minimum 30% quota of female representation in political party management structure and in the nomination of members of legislative bodies using a proportional system based on serial numbers. This system was not used following a 2008 Constitutional Court ruling, which held that such a system “impairs the sense of

justice and violates the sovereignty of the people in its substantive sense". The Constitutional Court was of the view that elected legislative candidates should be those who obtain the most votes regardless of serial numbers. Of the nine Constitutional Judges, only one (also the only female) had a dissenting opinion. In her opinion, the proportional system did not conflict with the Constitution, which mandates temporary special measures for the purposes of equality and fairness. As a result of this decision these policies were made ineffectual, and efforts to increase women's representation in parliament practically failed: in the 2009 General Elections, which used the majority voting system, only one political party managed to meet the 30% female quota.

13. Komnas Perempuan also recorded that as of August 2011 there were 207 discriminatory policies in the name of religion and morality. This amounts to an increase of 53 discriminatory policies since the first time Komnas Perempuan officially reported on them to the national authorities in March 2009. This is in spite of the fact that the harmonization of policies was one of the main priorities in the National Medium Term Development Plan of 2010-2011. A large proportion of these policies (200 of 207) are found at district and provincial levels. As many as 78 of the 207 policies specifically target women by regulating attire (23 policies) and regulating prostitution and pornography (55 policies) which in turn have the effect of criminalizing women. Among them is Law No. 44 of 2008 regarding Pornography, enacted amidst a great public row, with particular opposition coming from several local governments, indigenous people, art workers and women's groups. This law adopts a protectionist approach in attempting to prevent and reduce pornography. As a result, it prevents women from fully enjoying their basic rights, particularly their rights to legal certainty and freedom of expression. Throughout 2009 and 2010, Komnas Perempuan recorded two cases of criminalization of women under the Pornography Law. The first involved four women victims of trafficking who were told to perform a striptease, and the second involved a young woman who had recorded herself having sex with her boyfriend to convince their parents to let them marry.
14. Responding to complaints about discriminatory policies in the name of religion and morality, Komnas Perempuan regrets the Constitutional Court's decision to uphold the enactment of the Pornography Law and Law No. 1/PNPS/1965. The latter serves as the basis that gives priority to the six religions said to be embraced by the majority of Indonesians, thus alienating communities embracing their own spiritual or religious beliefs and puts religious minorities in positions vulnerable to intimidation and accusations of heresy. As members of these communities, women are especially vulnerable to the effects of this law, particularly when their groups are subjected to attacks and intimidation in the name of religion and morality. Nevertheless, it is important to note that in 2008 the Constitutional Court held that the principle of monogamy and the polygamy regulations in Law No. 1 of 1974 regarding Marriage are not contrary to the right to form a family and the rights to freedom of religion and to worship according to one's faith, as submitted by the applicant seeking judicial review. This decision is a legal precedent that could be developed in amendments to the marriage laws to promote the protection of women in the institutions of marriage and the family.
15. Cases of domestic violence still make up a large proportion of cases handled by women's crisis centres, both those run by the government and the community. More than 90% of the cases handled and documented in the Komnas Perempuan Annual Notes (CATAHU) are cases of violence against wives. CATAHU is a compilation of data gleaned from various institutions from all over Indonesia that provide services to victims of violence. This is linked to an increase in public understanding of domestic violence as a result of raised awareness of the Law on the Elimination of Domestic Violence.
16. CATAHU recorded the total number of cases handled by these crisis centres annually as follows: 25,522 in 2007, 54,425 in 2008, 143,586 in 2009 and 105,103 in 2010. The drop in the number of cases recorded in 2010 did not mean a decrease of the actual number of cases of violence in society, as many of the cases are not reported. It may link to the reduction of resources of these centres.
17. The increase in the number of crisis centres, particularly those established by the government, is closely related to the implementation of the Law on the Elimination of Domestic Violence and the

Law on the Eradication of Human Trafficking. Nevertheless, these women's crisis centres do not yet have adequate infrastructure or human resources. This has been a constant issue raised in forums organized by Komnas Perempuan for these crisis centres since 2001. In many areas, the membership of P2TP2A centres is structural and not professional. This fact has hampered these centres from functioning properly, inhibiting a proper coordination between one and another.

18. Regarding the police's Women and Children's Unit (UPPA), there are concerns that the decision to change it into the Youth, Women and Children's Unit (Renakta), as stated in the National Chief of Police Decisions no. 21, 22 and 23 of 2010, will undermine the units that have been set up to focus on women victims of violence. Derap Warapsari, an organization of retired female police officers, has specifically asked Komnas Perempuan to look into this matter. Komnas Perempuan has furnished its recommendation to review this policy to the police.
19. At the community level, women's crisis centres play a vital role in supporting efforts to fulfil the rights of women victims of violence. It is vitally important that the sustainability of these centres is given serious attention. Some institutions find it difficult to access public funds to assist victims. Although in some regions have the funds to provide integrated services for women victims of violence, these funds are limited and are channelled through agencies run by the state. In conditions where coordination functions are less than optimal, community institutions have next to no chance of accessing the funds available. This situation is further complicated by policies of some international institutions requiring that grant funds only be accessed through government agencies. Many organizations also require support to develop recovery programs for counsellors, many of whom experience burnout strained by the cases that they handle. Support is also required to develop regeneration programs.
20. No less important is the support and protection of women human rights defenders. Komnas Perempuan noted that women human rights defenders face intimidation and stigmatization, some of which is gender-based, as well as persecution, torture and the threat of criminalization for their activism. In the past four years, Komnas Perempuan noted that women human rights defenders most vulnerable to violence and criminalization are those fighting for the rights of indigenous people or in conflicts related to natural resources. This can be seen in cases in Fatumasi - East Nusa Tenggara, Serdang Bedage - North Sumatera, Luwuk Bangai - Central Sulawesi, Papua, Bengkulu and Riau. In a case in Central Sulawesi, for example, a woman human rights defender was accused of sedition, arrested and sentenced to four years in prison. She is currently awaiting the verdict from the Supreme Court.
21. The period 2007 to 2011 was also marked by statements from public officials and government bureaucrats that actually undermined efforts to eliminate violence and discrimination against women. They include the Minister of Religious Affairs who objected the proposed changes to the Marriage Law as he saw them merely as attempts to legalize same-sex marriage; the Speaker of the Parliament who supported polygamy and who accused Indonesian migrant domestic workers of tarnishing Indonesia's image abroad; the Minister of Communication and Information who stigmatized people with HIV and AIDS as perpetrators of free sex; the Jambi provincial legislative member who proposed virginity tests for newly enrolled students; and the Legislative Chairman of Bireuen Regency in Aceh who prohibited women from being leaders or holding public office in Aceh. Komnas Perempuan regrets that no sanction mechanisms are yet available to censure public officials who blatantly obstruct the implementation of Indonesia's commitment to eliminating discrimination and violence against women.¹
22. Human rights intricacies and the existence of National Human Rights Institutions (NHRI) remains a somewhat foreign discourse in bureaucratic reform agenda in Indonesia. This is reflected by continued proposals to merge Komnas Perempuan into the executive branch or with other

¹ Komnas Perempuan noted that between 2007 and August 2011, only the Governor of Jakarta has openly apologised for his gender-discriminative comments regarding women becoming rape victims because of their attire

institutions deemed similar. Komnas Perempuan sees that reforming the bureaucracy is crucial to creating effective and accountable governance and to promoting democracy in Indonesia. Proposals in reform schemes that seem to downplay the importance of NHRIs stems from the lack of understanding regarding the role of NHRIs. It seems to be even stronger as regards to mechanisms that specifically address discrimination and violence against women such as Komnas Perempuan. If this is to continue, these schemes will only hinder Indonesia's goal to be a true democratic nation based upon enforcement of human rights.

C. Specific Issues

Effective Protection for Women from all forms of discrimination (Article 2)

23. Since 1998, in the first ten years of its activity, Komnas Perempuan has conducted monitoring, fact-finding and documentation of violence against women that took place within a variety of conflict contexts and political struggles in Indonesia brought about by social, political and economic policies of authorities at the national level. Komnas Perempuan findings show that sexual violence, especially rape, is a recurring pattern of violence against women in the conflict context. The biased gender perspective about the role and position of women in society has turned sexual violence into an effective tool to subjugate the targeted community (see appendix 2 in the book *"Kita Bersikap: Empat Dekade Kekerasan terhadap Perempuan dalam Perjalanan Negara Bangsa Indonesia"* ("Take a Stand: Four Decades of Violence against Women in the Journey of the Indonesian Nation-State")).
 - 23.1. Ten years since the May 1998 Tragedy, women victims of sexual violence during this event still choose to remain silent. The Joint Fact-finding Team on May 1998 Riots established by the state has verified that there was sexual violence directed at ethnic Chinese women in the form of gang rapes, sexual assaults and sexual harassment. The Team's finding also affirmed indications that security forces were involved in the riots. The controversy of whether or not there was sexual violence – as no victim has thus far come forward to testify publicly – still stifles attempts to reveal the truth about these cases. While the nascent witness and victim protection system has not yet taken root, recommendations to address the quandary of victim silence – including amending the criminal code – have not been enacted to this day.
 - 23.2. Regarding the 1965 Tragedy, the wives or families of those accused as members of the Indonesian Communist Party (PKI) and members of the PKI-affiliated Indonesian Women's Movement (GERWANI) experienced arbitrary arrest and detention, rape, sexual torture and gender-based persecution. Some of these women, who are now elderly, still have not been given permanent identity cards, which should be the right of every citizen over 60 years old. Victims are unable to access health services to treat illnesses resulting from past torture and violence, and most of them continue to live in poverty.
 - 23.3. Comprehensive data on violence against women in East Timor in the period 1974-1999 has been presented by CAVR, an independent commission for truth and reconciliation. There were 853 women victims of sexual violence. Half of these cases were rapes mostly perpetrated by Indonesian security forces, with a smaller proportion perpetrated by members of Fretilin and other parties to the conflict in East Timor at the time. Sexual violence against women was but one of many forms of widespread human rights violations. Following CAVR, the governments of Indonesia and Timor-Leste established the Commission of Truth and Friendship (CTF) in 2005. CTF's findings affirmed previous findings on violence against women that took place within the context of human rights violations during the popular consultation in 1999.
 - 23.4. In Aceh, women victims of rape and torture face hurdles in accessing rehabilitation funds made available for post-armed conflict recovery. Some women victims, having mustered all their courage to demand their rights, were then challenged – which amounts to putting them to shame – to prove their case following evidence procedures that places the burden on them. Komnas Perempuan observation also shows that in the context of armed conflict, women can be subject to layered violence perpetrated by armed men, community members, even their own families. Identity politics that was propagated during conflict actually compounded the vulnerability of women to violence because women were made as symbols

- of virtue and identity of the community. In the Aceh context, identity politics affixed to women's attire has subjected women to all sorts of physical abuse and verbal violence.
- 23.5. In Maluku and Poso, Central Sulawesi, sexual exploitation associated with security forces deployed to quell social conflict raises the urgent need to ensure prevention and handling of violence against women, especially to make sexual violence issue part of the Indonesian security sector reform. The lack of seriousness in addressing such cases, especially because they are seen to occur consensual relations, entrenches women further into subordinate positions in society, strengthens the hierarchical and unequal nature of civilian and military relations, and has led to continued discrimination against women and children as a result of such sexual violence.
- 23.6. Komnas Perempuan and its partners in Papua found 261 cases of violence perpetrated by the state as well as the public between 1963 to 2009. Out of 138 cases of violence perpetrated by security forces/military, 67 were cases of sexual violence. The violence experienced by the people of Papua has been ongoing since 1963 to this day, generally occurring in the context of political conflict, the militaristic security approach and the expansion of extractive industries in Papua. Among those, 98 were cases of domestic violence, 14 layered violence by military forces and victims' families (in this case the husbands), and 11 cases by the public. The Special Autonomy Policy has not fully succeeded in bringing justice and improvement of life for the people of Papua, especially for women and children victims of violence. To the contrary, the bad management of Special Autonomy funds and the lack of good governance in Papua and West Papua has created a new mode of domestic violence brought about by rising sex industry and increased alcohol circulation. Women human rights defenders are vulnerable to being stigmatized as separatists and have to face terror and intimidation as a result.
24. Komnas Perempuan has presented these findings to the President on 30 November 2009 who then ordered all state institutions to follow up on findings and recommendations of Komnas Perempuan. The reparation agenda that includes recovery efforts for women victims of violence, truth seeking and ensuring non-recurrence are the three main points Komnas Perempuan presented as its recommendations. In regard to non-recurrence guarantees, measures need to be taken to ensure that a) the understanding of violence against women in the context of past human rights violation need to be incorporated into the national history education, b) prevention and handling of violence against women to be incorporated into security sector reform and penal law reform of Indonesia, and c) the understanding of human rights and gender justice needs to be incorporated into the national education curriculum. Cross-sectoral coordination among ministries and institutions was held in early 2010, but for the most part the action plan produced during this consultation has not been realized thus far.

Modifying Social and Cultural Behavioural Patterns (Article 5)

Discriminative Traditions and Other Practices

25. Large swaths of the Indonesian society still puts women in a subordinate position and this situation has led to women being subjected to discrimination, limitations as well as deprivation of opportunities for the full enjoyment of their human rights on the basis of equality with men. As an example, certain communities in Indonesia force couples into marriage for not observing local norms when they are caught in extra-marital relations (*mubrim*). In practice, the society frequently disregards women's rights, both the rights of the man's wife, as well as the woman who are forced to marry the man. The wife is never consulted about consenting the husband to take another wife, at the same time, the woman who is forced to marry has no guarantee that the man will not abandon her after marriage. Perpetrators of rape often exploit this arrangement in order to avoid criminal liability, because for the victim's family it is always more important to have the victim married in order to avoid stigma and embarrassment. Women victims are rarely consulted, even more so when the woman is still a child, where often times it is the parents who would make the decision for her.

26. Changing the habits and traditional practices that discriminate against women is imperative and is possible in efforts to uphold human rights. Various groups in society have attempted a reinterpretation of traditional practices in order to tear down barriers for women, on the basis of equality with men, to enable them to enjoy their human rights, including:
 - 26.1. *Tim Relawan untuk Kemanusiaan Flores* (Flores Volunteers for Humanity) in East Nusa Tenggara who are deconstructing the *belis* tradition (dowry, also known locally as *Ling Weling*) that has led to all sorts of violence against women. When a *belis* is paid, the woman is expected to bear as many children as she can, to work hard to serve her husband and the husband's extended family, and is unable to seek protection when she is subject to domestic violence. Whereas originally *belis* was actually created as a traditional instrument to protect women's rights. Firstly, *Ling Weling* was a symbol that binds the husband-wife so the husband does not treat her wantonly in the event of a marital conflict or when she is unable to bear children. Secondly, *Ling Weling* affirms a husband's responsibility for his wife and was intended to deter men from taking mistresses or practicing polygamy.
 - 26.2. LBH Apik Bali have played a part in renewing the thinking of traditional law brought about by the *Majelis Utama Desa Pakraman* (the umbrella institution for 1480 traditional villages/*Pakraman* in Bali). Since October 2010, a revision to customary law was introduced to encourage the society to recognize women's right over inheritance and child custody and joint estates in the event of divorce. This renewal of traditional law prompted a discussion about eliminating the *patiwangi* ritual – when a woman of high caste marries a 'commoner' – because such ritual is seen as degrading to women.
 - 26.3. The struggle of traditional women in Ngata Toro community, Central Sulawesi, to promote change in traditional institutions through active participation of women in traditional decision-making forums. This involvement was also made possible by revitalizing the role of *Tina Ngata* (Village Matriarch, a political seat), *Pangalai Baba* (decision maker), *Pobolia Ada* (custodian or protector of tradition), and *Potawari Bisa* (the peacemaker/a wise and considerate decision-maker).
27. If social transformation efforts are to effectively promote human rights, the state has to strengthen its support, both directly and otherwise, for public initiatives to transform discriminatory practices and traditions. Fast-tracking the reform of the Law on Marriage, revising the Criminal Code to end the chain of impunity of perpetrators of sexual violence, harmonization of policies to be in line with human rights principles, as well as expanding women empowerment programs and strengthening the political role of women are among the effective measures that can indirectly support such initiatives.

Female Circumcision

28. Female circumcision is a traditional practice that must be prevented and addressed by the Indonesian government. As shown in the results of the Population Council study in 2003, the female circumcision practice in Indonesia is varied. It ranges from a symbolic act to the removal of the clitoris with various tools. As set out in the Circular Letter of the Director General of Public Health, Ministry of Health No. HK.00.07.1.3.104.1047a of 2006, this practice does not contribute to health in any way. From results of research literature and consultations with various parties, Komnas Perempuan is of the view that the practice of female circumcision that causes even the slightest injury to female genitalia amounts to an act of violence against women. This practice also reinforces the notion that women cannot control their sexual desires. As such it is discriminatory to women.
29. Accordingly, Komnas Perempuan sees that Ministry of Health Regulations (*Permenkes*) No. 1636/MENKES/PER/XI/2010 regarding Female Circumcision is a setback in efforts to eliminate violence and discrimination against women. Under the previous policy (the Circular letter above), medical officers were prohibited from performing female circumcision. On the contrary, the *Permenkes* now allows and elaborates in detail how female circumcision should be conducted by medical personnel, practically 'medicalizing' female circumcision. Komnas Perempuan also observed

that this *Permenkes* has similar characteristics as the other 207 discriminative policies issued in the name of religion and morality.

30. There is a concern that young girls will undergo dangerous traditional practices because parents will still choose to carry out female circumcision after being declined by medical officers. This concern needs to be addressed prudently and in accordance with the principle of upholding human rights. The necessary regulations should foster change in the way the society views female sexuality rather than regulate female circumcision, even if the injury is limited to a scratch without drawing blood as set out in the *Permenkes*.

Right to Education (Article 10)

31. As NHRI, Komnas Perempuan appreciates the government's openness on the issue of discrimination in the right to education for female students who get pregnant, whether due to rape or pre-marital sexual relations. Komnas Perempuan recorded two cases in East Java (one in 2010 and the other in 2011) where pregnant female students were expelled from their schools because they were considered to have violated educational norms and school discipline. Although these students were able to continue their education following successful advocacy of their cases by community groups, the school's attitude deterred the students from enjoying their rights to self-development. While sex education for teenagers needs to be developed, the Indonesian government should immediately enact strict laws so that similar cases do not occur again in future.
32. Komnas Perempuan is also concerned about the education of girls and young women from minority religious communities that have been attacked in the name of religion. In 2009, a young woman from the Ahmadiyah community told Komnas Perempuan that she and several of her friends were not able to study in college or university because their parents were forced to flee their homes, after having lost their property and livelihood in the wake of the attacks on the community in 2005. The exact number of women who have similar experiences is unknown, and as such this situation requires special attention considering that this kind of violence has not abated.

Participation at International Forums (Article 8)

33. In its role as a NHRI, Komnas Perempuan expresses its appreciation for the government's willingness to consider input from Komnas Perempuan in the context of state reporting and developing human rights mechanisms at the ASEAN regional level and internationally, including in the President's speech on the protection of female domestic workers.
34. Support for Komnas Perempuan's participation at international forums was demonstrated by the Ministry of Foreign Affairs in supporting the initiatives to hold Asia Pacific meetings to strengthen cooperation between human rights commissions and women's commissions in the region. Two such conferences have been held to date: in 2009 and in 2011. A National Consultation between NHRIs, members of civil society and a UN Independent expert on cultural rights was also held. These initiatives were made possible through cooperation between Komnas Perempuan and the Office of the United Nations Office of the High Commissioner of Human Rights. Komnas Perempuan also appreciates the remarks from the Ministry of Women's Empowerment and Child Protection in supporting Komnas Perempuan's initiative to consult with theologians and women leaders discussing peaceful women's initiatives in the context of interpreting UN Security Council Resolution 1325.

Rights to Employment (Article 11)

Protection for Women Migrant Workers

35. In 2011, after more than 30 years sending migrant workers abroad, Indonesia still has not made significant progress in improving the system of substantive protection for migrant workers. More than 40 countries receive Indonesian labour. Based on data from the National Agency for

Placement and Protection of Migrant Workers (BNP2TKI), there are currently 4.31 million Indonesian workers living abroad. Throughout 2010, 533,425 migrant workers were placed; 128,084 (24 percent) in the formal sector with the remaining 405,431 (76 percent) working in the informal sector, the majority of whom are domestic workers. Data from Bank Indonesia reveals that their contribution via remittances reached USD 5.03 billion. The report stated that the available data was not segregated by gender.

36. Migrant domestic workers experience violence with their multiple identities as women, women workers, migrant workers and domestic workers. The problem begins at their place of origin. Many have already become victims of domestic violence and polygamy and/or are single parents and the main providers for their immediate and extended families, the majority of whom are poor. Problems from pre-departure to placement include: fraud and document falsification that erase a person's history; threats of capital punishment for victims of fraud who have limited knowledge of the legal system of the country of destination; entrapment in illegal migration leading to a series of deportations leaving them vulnerable to trafficking; unfit working conditions that put health and life at risk; ill treatment due to domestic work patterns involving complex relations and communication problems; and sexual violence that places the victim in a culpable position both under the legal system and during reintegration into the community. Other crucial problems during repatriation include: the possibility of becoming victims of violence such as rape causing unwanted pregnancy; and mental disorders. Many such problems are left up to their families to handle.
37. BNP2TKI data for the first semester of 2010 (January-July) reported 33,518 cases experienced by migrant workers, including 898 cases of sexual violence, 3,568 cases of falling ill due to unfit working conditions and 1,097 cases of maltreatment. Of all destination countries, the highest number of cases is found in Saudi Arabia (5,563 cases). In the Middle East, 15 of the 23 Indonesian citizens on death row are women. The leading cause is murder carried out in self-defence or due to acute depression as a result of working conditions. The most serious problem in Malaysia is the deportation of undocumented migrant workers (irregular migrant workers) and the threat of capital punishment faced by 177 Indonesian citizens, 11 of whom are women accused of being drug couriers. This is another form of vulnerability: in many cases migrant workers are tricked into these situations by people through whom their survival mechanism exists. They may also put their lives at risk due to economic pressures. Throughout this year, BNP2TKI recorded 59,821 cases including 4,341 cases of abuse, 2,979 cases of sexual harassment, 4,380 cases of problematic employers and 2,821 cases of unpaid wages. Meanwhile, a release issued by the Indonesian embassy in Kuala Lumpur stated that in 2010 there were 1,382 cases handled and resolved by the embassy, the most extreme of which were 18,533 cases of deportation. The embassy in Singapore stated that there were 2,536 cases experienced by migrant workers in that country comprising 2,362 cases of pay cuts and an inability to adapt to the culture, language and work type, 100 legal and criminal cases and 61 cases in which the employment contract was breached.
38. The specific vulnerability of women as migrant workers can also be seen in the many cases where women are made to be drug couriers and subjected to heavy sentences in Malaysia. Data from the Ministry of Foreign Affairs states that in Malaysia there are 177 Indonesian citizens under threat of the death penalty: 142 people involved in drug offences and 35 people involved in non-drug related criminal cases such as murder and rape. A breakdown of the cases shows: 72 level I death penalty cases; 54 cases where the prisoner has been sentenced to death and which are now in the appeals process; and 5 cases which have been executed and appealed to the Federal Court. With regards to the 35 criminal cases, 33 are still in the court process and 2 defendants have had their sentences lightened or have since been released. Analysing these cases from a gender perspective, there are 10 women accused of drug offences and one woman accused of murder. It was learnt that in the Puncak Borneo Prison in Sarawak there are 14 female prisoners, 9 of which are migrant workers from Indonesia. 8 of these were immigration cases and one was a migrant worker who was exploited by her lover to sell stolen goods until she was caught and prosecuted.
39. Faced with these complex issues, the state still does not have a comprehensive mechanism for handling such cases and does not provide systematic recovery programs. The ratification of the

International Convention on the Protection of the Rights of Migrant Workers and their Families (1990) has been delayed by almost six years. Ratification of this convention has been part of the agenda of the National Action Plan for Human Rights (Ranham, 2004-2009) and the National Medium Term Development Plan (RPJMN, 2010-2014).

40. The Indonesian government has also not revised Law No. 39 of 2004 regarding the Placement and Protection of Indonesian Workers Abroad or the Domestic Workers Bill in order to meet the standards of protection of human rights that have been outlined in the Convention on Migrant Workers. In fact, this national policy could be a milestone in the protection of Indonesian domestic workers abroad who experience more specific vulnerability.
41. The government's approach of relying on bilateral Memorandums of Understanding (MoUs) for the protection of migrant workers must also be re-examined. There are layered problems related to MoUs, beginning with the process of drafting the MoU that does not involve the public, monitoring the implementation of the MoU, and the state of existing MoUs that do not address the root of the problem. For example, the current understanding with Malaysia only applies to documented migrant workers. In reality, the crucial issue in the problem of migrant workers in Malaysia is undocumented migrant workers. The monitoring results of Komnas Perempuan show that the deportation of undocumented migrant workers by sending them back to border regions of Indonesia only perpetuates the repeated cycle of trafficking.
42. Komnas Perempuan also notes that services for the handling of cases available at Indonesian embassies are still limited. In particular, adequate shelters that are easily accessible and legal assistance to publicly defend victims in recipient countries are insufficient. Domestically, compensation is usually paid with inadequate financial insurance that excludes rehabilitation programs and the recovery of rape victims.

Protection for Women Domestic Workers

43. There is an urgent need to protect domestic workers within Indonesia. The vulnerability of domestic workers to discrimination and violence is rooted in the entrenched discrimination against women found in the feudal culture still strong in Indonesian society. Jala PRT, an organisation advocating for the protection of the rights of domestic workers, reports that between 2007 and 2011 there were 726 cases of violence, 536 cases of unpaid wages and 617 cases where female domestic workers were held in captivity against their will. The absence of guarantees to decent working conditions is still a serious problem. Workers experience long working hours with average salaries far below the minimum wage. Some workers only earn a quarter of the standard minimum wage and there are no social security benefits such as health insurance. Komnas Perempuan has also found that female domestic workers are often provided with inadequate accommodation. As such they are not able to get proper rest, have no rights to privacy and their rights to mobility and to organize are severely limited.
44. The fulfilment of the commitment made in President Yudhoyono's speech on decent work for domestic workers in Geneva (July 2011) regarding the urgency of domestic worker protection is still awaited. The problems faced by domestic workers within Indonesia are not very different to the problems experienced by those abroad. Domestic workers are viewed as unskilled workers, of low education or without adequate capacity (e.g. language skills, mastery of technology, quality of work required by the employer/recipient country). Views such as this will only strengthen the attitude of blaming the victim and can lead to the normalization of violence. The more serious impact is the layered discrimination and lack of protection due to this biased paradigm.
45. To date Indonesia does not have laws to protect domestic workers within Indonesia. The Law on the Elimination of Domestic Violence (2004) is totally inadequate for their protection, primarily because its construction confuses the working relationship that exists between the employer and the domestic worker. Responding to this need, over the last decade a number of civil society organizations have lobbied the government and legislative members to discuss a more

comprehensive policy framework to protect domestic workers. Currently this discussion is intensifying because it has now become part of the national legislative program. Nevertheless, Komnas Perempuan is concerned that the proposed policy framework for the protection of domestic workers has received little support from the legislature.

Protection of Women Manufacturing Workers

46. Women workers in the manufacturing sector still experience discrimination and violence. In consultation with Komnas Perempuan, representatives of trade unions and workers' rights advocacy organizations complained that to avoid paying wages during maternity leave, workers found to be pregnant are requested to resign by their companies and to reapply once they have given birth. Abortion rates are high among female workers in several main Indonesian industrial areas such as Batam and the Riau Islands, although exact numbers are not documented. In addition, there are still companies that discriminate against female workers in terms of wages and family benefits because they are considered to be merely additional income earners. There are still many women workers who are employed informally without signing employment contracts. Women workers are often placed in secondary positions involving manual or support work. Unfair promotion also occurs where women who are absent due to menstruation or pregnancy are excluded. In terms of career development, female workers do not enjoy the same opportunities as their male counterparts.
47. Komnas Perempuan has received reports from a trade union in Tangerang, Banten, regarding women who are sexually harassed at work by superiors and colleagues. The harassment also occurred in the toilet and in the shuttle bus. The union complained that there has been no systematic effort from the company to address this issue. Government supervision is weak, particularly in relation to the implementation of Ministry of Labour Regulation No. 7 of 1964 regarding Health, Hygiene and Lighting in the Workplace. Due to this lack of infrastructure, women workers are extremely vulnerable to sexual violence.

Rights to Health (Article 12)

48. Law No. 36 of 2009 regarding Health contains a number of important advances for women. This Act pays special attention to the reproductive rights of women, recognizes the right of female victims of rape to determine the fate of their pregnancies, provides counselling services related to the decision and guarantees women's rights to be free from violence in the form of forced abortions. However, at the same time this law does not recognize women as human beings with autonomy over their bodies. With the exception of rape victims, the right to decide on whether or not to continue with a pregnancy is only given to women who are married with the approval of their husbands. Apart from rape cases, the reproductive health services provided under this policy cannot be accessed by single women.

Equality Before the Law (Article 15):

Discriminatory policies in the name of religion and morality

49. Between 1999 and August 2011, there were 207 discriminatory policies enacted in the name of religion and morality at national level all the way down to village level by the government, the legislature and the judiciary. Most of the discriminatory policies were enacted at regional level (200 policies) throughout 26 of the 33 Indonesian provinces. As many as 78 out of the 207 policies have been directly discriminatory towards women by limiting the right to freedom of expression (23 policies regulate attire), undermining the right to legal protection and certainty by criminalizing women (54 policies on prostitution and pornography) and depriving the right to legal protection and certainty (one policy on the prohibition of *kebahwat*/lewd acts). There have been four policies on migrant workers that disregard the rights of women migrant workers to legal protection. There have also been 31 discriminatory policies that specifically deprive the right to religious freedom for Ahmadiyah adherents. The remaining policies are related to religion and follow a single interpretation of the majority religion leading to the exclusion of religious minorities.

50. Of the 207 discriminatory policies, 23 policies determine attire based on a single interpretation of the majority religion and thus limit the right to freedom of expression. Although it is stated that these rules apply to men and women, their implementation is concentrated on women. Komnas Perempuan's monitoring shows that sanctions for women who violate these rules come in many forms, ranging from reprimands to administrative penalties. Komnas Perempuan notes that in one particular district, women who did not wear veils (*jilbab*) were not entitled to receive rice subsidies for poor residents.
51. The criminalization of women occurs via policies on prostitution. Apart from the two cases criminalizing women as result of the implementation of Law on Pornography, Komnas Perempuan recorded 20 cases of wrongful arrests, where women were arrested and detained because their attire, gestures and presence at certain times and places had raised suspicion of them being sex workers. It is important to note that the implementation of such policies has cost lives. Lilis Lisdawati, a waitress, was wrongfully arrested in Tangerang District. Her good name was ruined and never restored. As a result, Lilis became impoverished and fell into debt after losing her job. Her husband, a teacher, left his job as a result of being stigmatized as the husband of a sex worker. Lilis also suffered a miscarriage. Due to prolonged depression, Lilis passed away in late 2008. This policy is still being applied today after the Supreme Court refused to conduct a judicial review on the matter, citing that the policy had met all procedural requirements in its enactment.
52. Komnas Perempuan is also very concerned that a number of regions actually adopt a protectionist approach when addressing issues of sexual violence. This is indicated by the presence of regional policies that regulate curfews and women's attire and even bans on beauty pageants as a means to prevent sexual harassment and rape.

The Situation in Aceh

53. Komnas Perempuan is very concerned that in the name of special autonomy, the national authorities have permitted Aceh to adopt narrow interpretations in the implementation of Islamic laws which conflict with the human rights guaranteed in the Indonesian Constitution. Since being introduced in 1999, the policy on attire has resulted in various acts of violence including forced haircuts, the dousing of victims with paint, the cutting of trousers and verbal as well as physical sexual harassment. Currently there are even regional leaders who prohibit women from wearing trousers while accessing public facilities.
54. Other concerns include the enforcement of inhuman punishment in the form of lashings and regulations criminalizing social relations between men and women outside of familial relations solely on moralistic grounds (the prohibition on *kehalwat*/lewdness). According to data gathered by KontraS Aceh, as at the end of 2010, 97 lashing punishments had been carried out, 37 of which were by civilians. More than 30% of the victims were women. Two women were also lashed for violating the prohibition of selling food during the fasting month. Apart from lashings, Komnas Perempuan also recorded cases of forced nudity, situations where the victims were forced to parade around, situations where the victims were bathed in sewage and forced marriage of couples accused of committing *kehalwat* (lewdness) and *zina* (extra-marital sex). At the end of 2009, a young woman accused of *kehalwat* was detained and raped by four *nilayatullah* personnel (Sharia law enforcement officers). Three of the perpetrators were sentenced to eight years in prison, and one is still at large.
55. At the end of the 2004-2009 government term, the Aceh legislature even issued a regional policy to affirm the *kehalwat* prohibition, and has introduced stoning for those committing extra-marital sex. This law has not been applied to date because it is yet to be approved by the region's executive.

Intolerance Against Religious Minorities

56. Komnas Perempuan is very concerned that the acts of intolerance on religious minorities will result in an increase in violence against women. As shown by results of Komnas Perempuan's monitoring

of the attacks on the Ahmadiyah community in 2005, women from the community were faced with threats of rape and other sexual intimidation during and after attacks. Stigmatization, discrimination and threats of further attacks on the Ahmadiyah community continue. Many members of Ahmadiyah are forced to flee in order to survive. Komnas Perempuan received reports that Ahmadiyah women in shelters continue to face discrimination in their daily lives. Many have been terminated from their jobs as teachers, forced to marry into other communities, prevented from recording their marriages and have suffered loss of property and livelihood. After the attack on the Ahmadiyah community in Cikeusik in early 2011, Komnas Perempuan also received reports that the families of victims who were killed were still suffering from trauma and were living in shelters. Komnas Perempuan is also concerned about the unfair stance taken by law enforcement officers in handling criminal cases linked to the assaults on religious minorities. Victims are often criminalized and punished more severely than the attackers. This was the case in the court decision related to the Cikeusik attacks, where the attackers were sentenced to 3-7 months of imprisonment, while the member of Ahmadiyah was sentenced to six months.

57. Komnas Perempuan also received reports about a female priest from HKBP (Batak Christian Protestant Church) who was threatened by a certain community group. This female priest was then beaten during an attack that occurred during a church service. The court only passed a very light sentence to the attackers of only 6-9 months imprisonment, with seven months to the person who stabbed the priest, and five months for those who abused the members of congregation. This very light sentence displays the lack of seriousness of the state in prosecuting the attackers and has, in consequence, dramatically reduced the sense of security amongst religious minority communities as similar attack can easily reoccur.

Policy Harmonization

58. Komnas Perempuan notes that progress has been slow in implementing the harmonization agenda relating to discriminatory policies based on religion and morality. Between 2009 and 2011, there have been more than a thousand regional policies repealed by the Ministry of Home Affairs. Nevertheless, none of these policies were discriminatory but rather were related to levies and other financial matters.
59. In consultation with a number of relevant ministries and institutions, Komnas Perempuan noted that current guidelines for the design of regional policies with a human rights perspective are still in draft form to be agreed between the Ministry of Home Affairs and the Ministry of Justice and Law. Komnas Perempuan also noted that these two ministries, together with the Ministry of Women's Empowerment and Child Protection, have also held a number of discussions related to the issue of policies in the name of religion and morality. During the discussions, Komnas Perempuan observed that the lack of comprehensive understanding on human rights and gender equality is still one of the hurdles preventing government officials from producing significant legal breakthroughs to this problem. There is a pressing need to ensure there are design guidelines and policy supervision containing principles of anti-discrimination (in particular gender-based discrimination). There is also a need to prepare devices to strengthen the understanding of officials and policy planners when making decisions on human rights and gender justice.
60. It is important to note that the Supreme Court has issued policies to repeal the deadline for filing a judicial review. This policy is a legal breakthrough in preserving citizens' rights to participate in government. The proposal to revoke the deadline was originally made by Komnas Perempuan in response to the Supreme Court's rejection of a judicial review application on Bantul District Regulation No. 5 of 2007 on the Prohibition of Prostitution, which criminalized women merely because they were suspected of being sex workers. The application was rejected on the grounds that the petition was made beyond the specified time limit, namely 180 days since the regulation was adopted. Previously the Supreme Court had also rejected an application for judicial review of Tangerang City Regulation No. 8 of 2005 on the Prohibition of Prostitution, which had similar content. On that occasion, the Supreme Court was of the view that the regulation had been enacted in accordance with appropriate procedures. We look forward to the next legal breakthrough from

the Supreme Court and hope that it goes further than merely testing the enactment procedure, but rather takes an active role in reviewing the legal content for the enforcement of human rights without exception.

Marriage and Family Relations (Article 16)

61. Currently, the revision to Law No. 1 of 1974 regarding Marriage (the Marriage Law) is still being debated. The proposed changes are aimed at preventing child marriages of young girls, the practice of polygamy and the reinforcement of stereotyped women's gender roles in the family. The endorsement of the changes to this law is one of the national legislative agenda items for 2010-2014, although the program was originally targeted for completion in the previous period. Draft changes were prepared by the Ministry of Women's Empowerment and Child Protection and have been discussed with other relevant ministries, civil society groups and Komnas Perempuan. The limited understanding of policy makers on state responsibility, steps in the implementation of affirmative action policies and gender justice is a major obstacle in promoting changes to the Marriage Law. For example, there is hesitation in determining the minimum age for marriage so that it is in line with the Law on Child Protection because the practice of underage marriage is still considered normal in many communities. Even so, it is important to note that there has been several successful cases advocated which have become important legal precedents in Indonesia. One such case in Central Java involved the marriage of a 12-year-old child to a 50-year-old man (identified only by the initial P). The perpetrator was sentenced to 4 years imprisonment and fined 60 million rupiah (Approximately USD 7,000) by the court. The perpetrator has now appealed to the Supreme Court. Komnas Perempuan hopes that the Supreme Court confirms the earlier court decision and makes it a legal reference for more effective handling of similar cases in future and for revisions of the Marriage Law.
62. Related to the proposals to affirm the basis of monogamy, Komnas Perempuan supports the proposal by the community of persons with disabilities to repeal content that is discriminatory to them. Currently the Act recognizes permanent physical disability as a basis for divorce or polygamy.
63. Another critical issue is the obligation to register marriage. Over the last two years, Komnas Perempuan has received complaints on 49 cases of domestic violence that relate to marriages that are not recorded. This includes women who have undergone traditional marriage ceremonies, women who have unregistered marriages, women who do not have proof of marriage, women who do not have the power to question their husbands' desire to remarry and women who have not received equal rights during divorce including the division of property and child support. Unregistered marriages also have a discriminatory impact on children as their birth certificates only state their mother's name. This stigmatizes them as children born outside of wedlock and can lead to various forms of violence and discrimination, including in terms of opportunities to access education and employment.
64. In this context it is important to also examine the development of the draft Bill on the Law of Religious Affairs on Marriage (the HMPA Bill) that has been the reference point for the regulation of marriage for Muslims in Indonesia. Critical points of note in the HMPA Bill are the compulsory registration of marriage, the breaking down of the standard roles of husband and wife based on gender stereotypes, the minimum age of marriage in accordance with the protection of child rights and a guarantee to the same rights and responsibilities as at the dissolution of the marriage as during the marriage. Using a progressive interpretation of Islamic law gleaned from the results of studies and the comparison of existing international jurisprudence will contribute to the enforcement of human rights and gender equality within the prevailing system of legal pluralism in Indonesia today.
65. Women who are members of communities who hold their own spiritual, animistic or religious beliefs and members of minority groups and indigenous communities have not been able to freely register their marriages. Discrimination against certain spiritual beliefs has been entrenched by the implementation of Law No. 1/PNPS/1965 regarding the Prevention of Religious Abuse and/or Defamation, which has been strengthened by Constitutional Court Decision No. 140/PUU-

VII/2009. Because of this, the presence of Law No. 23 of 2006 regarding Population Administration (the Population Administration Law) still causes problems in the fulfilment of the rights of believers of animistic spiritual faiths, minority groups and indigenous communities, in particular rights to equality before the law and government. Based on the Population Administration Law, adherents to animistic or spiritual faiths are no longer required to associate themselves with one of the state-preferred religions (Islam, Catholicism, Protestantism, Buddhism, Hinduism and Confucianism) in the religion column of their Indonesian identity cards. Nevertheless, in practice state authorities still fill out the religion column on identity cards in a variety of ways: with a minus sign (-), left blank or filled with the word “faith” or “belief”. In the context of Indonesia that still associates communism with atheism and bans communist teachings, a minus sign or a blank column can result in continued discrimination.

66. Based on the Population Administration Law, the registration of marriages for adherents of traditional animistic beliefs or faiths can now be done. Even so, this new registration can only occur if the marriage has been recognized by leaders of the relevant faith organization that is duly registered with the Ministry of Culture and Tourism. With these regulations, adherents to traditional animistic beliefs or faiths must be part of the faith organization. This should be a right and not a duty.
67. The issuing of new marriage certificates is now available to adherents of these faiths who married before the enactment of Government Regulation No. 37 of 2007 regarding the Implementation of the Population Administration Law and whose marriages were not recorded under any of the 6 religions preferred by the state. Even so, there was only a grace period of two years from the date of the regulations to take advantage of this process and it was not a simple task. There have been reports that some couples were first forced to get divorced in order to record their marriages. Couples must be remarried and women are faced with the risk of being stigmatized as apostates. Komnas Perempuan has also received complaints from a woman from West Java. This woman complained of unpleasant treatment when she enquired about obtaining her child’s birth certificate after she had gone through the process of registering her marriage. Previously, as her marriage was unregistered her child’s birth certificate only stated her name as the sole parent. Altering the child’s birth certificate only involved adding information to the reverse side of the certificate and still has the effect of differentiating between children born of parents of traditional spiritual or animistic faiths and children born of parents of conventional religions. The official in charge initially refused to provide answers and even yelled and threatened the victim in relation to her job as a civil servant in the region. A formal written answer was only provided after intervention from an indigenous community advocacy team and even then only to explain that the documents submitted were already in compliance with the existing policy. The objections of the victim were not considered.
68. Couples of different religions also face difficulties in registering their marriages. In practice, the Law on Marriage bans marriages such as these. Meanwhile, Komnas Perempuan has received reports that women from minority religious communities labelled heretical find it difficult to register their marriages. This was experienced by Ahmadiyah women in West Java.

D. Recommendations

69. The Government of Indonesia shall develop legal guarantees for the protection of women from all forms of discrimination and violence, including by:
 - 69.1. ensuring the revision to the Indonesian penal code (The Criminal Code and the Criminal Codes of Procedure) that integrates more comprehensive provisions regarding rape and other forms of sexual violence as well as torture
 - 69.2. urgently passing the revision to marriage law to prevent child marriages, affirming the principle of monogamy, ensuring equal rights and responsibilities between men and women within the period of marriage and termination of marriage
 - 69.3. further improving the Law on Citizenship, Law on Population Administration, and Law on Health
 - 69.4. urgently ratifying the Rome Statute, the CAT Optional Protocol, CEDAW Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Convention on the Rights of Persons with Disabilities.
 - 69.5. issuing policies to prevent and address cases of sexual violence, including prohibition of preventing access to education for pregnant students, and forcing into marriage women victims of rape to the perpetrators as a way of resolving cases
 - 69.6. conducting harmonization of policies and take steps to repeal discriminatory policies in the name of religion and morality that directly result in gender-based human rights violations against women. Policies that need to be revisited include Health Minister Regulation regarding female genital mutilation and Pornography Law
 - 69.7. issuing and implement guidelines for designing and overseeing policies within a framework of human rights and gender justice
70. The Government shall follow up on recommendations to comprehensively address violence against women in the context of conflict and past human rights violations as an inseparable part of efforts to develop effective protection for women from all forms of discrimination.
 - 70.1. To institute reparations that includes recovery efforts for women victims of violence, revealing the truth and guarantees of non-recurrence
 - 70.2. To integrate the understanding about violence against women in the context of past human rights violations as part of national history education
 - 70.3. To integrate prevention and addressing violence against women as an inherent part of Indonesian security sector reform and penal reform
 - 70.4. To develop human rights and gender justice education in the curriculum at every level of education
71. The Government of Indonesia shall develop programs to support the public initiative to transform social behaviour and traditions in order to eradicate prejudice, behaviour and traditional practices based on prejudice and entrenching the division of roles based on gender stereotypes
72. The Government of Indonesia shall seriously address problems of discrimination, exploitation, and violence against women domestic workers domestically and abroad by:
 - 72.1. Ensuring policy reform regarding Employment, especially undocumented workers and Domestic Workers in the context of Protection and Fulfilment of Human Rights, including by ratifying the Convention on the Protection of the Rights of All Migrant Workers and Their Families, passing the Law on Domestic Workers and passing Amendments to Law No. 39 of 2004
 - 72.2. Sanctioning and taking action against labour suppliers and migrant worker placement companies to prioritize protection of migrant workers and the need for the state to impose legal and administrative sanctions against companies who resist.
 - 72.3. Addressing the issues of migrant workers, particularly domestic workers, in a systematic manner by building a comprehensive mechanism from pre-departure of workers, not only to ensure complete documentation, but also to empower the workers with skills relevant to

- the needs of recipient countries, legal protection guarantees as well as health and life insurance, monitoring mechanisms, and victim recovery. In regard to recovery, there has to be special handling for victims who have experienced disability, pregnancy, sexual violence, as well as psychological trauma.
- 72.4. Instituting a moratorium preceded by a consultation involving multiple elements, particularly regions of origin, labour suppliers and placement agencies, as well as the public, especially families of migrant workers. The Government must also demand that host countries firmly reciprocate. Such moratorium policies will affirm the government's integrity and demonstrate its seriousness about protecting the rights of migrant workers with respect to host countries
 - 72.5. Building a mechanism to register complaints or grievances and provide safe and comfortable shelters that can be easily accessed by domestic workers who have been subject to violence by their employers.
 - 72.6. Creating a Law to protect domestic workers domestically and help strengthen the bargaining position of the government to call on host countries to guarantee the rights of Indonesian migrant workers.
73. The Government of Indonesia shall design a framework for the protection and support for human rights defenders with a particular regard to the vulnerability of women human rights defenders
 74. The Government of Indonesia shall develop a policy framework and programs to strengthen the institutional capacity for upholding human rights and gender justice
 - 74.1. To build a holistic understanding about the importance of NHRIs, both general and specific to eliminate violence against women, in the context of bureaucratic reforms in order to build effective and accountable state governance, and one that supports a democratic development of the nation.
 - 74.2. To build a legislative, judicial, and particularly executive understanding about the role of NHRI in order to maintain the independence and continuity of NHRIs, support the exercise of the mandate and to follow up on findings from monitoring and fact-finding in the field on violence against women in particular, and human rights in general.
 - 74.3. To conduct budgetary reform in order to enable the widest possible access to justice for women victims, including by providing adequate infrastructure and programs to develop human resource capacity for State-run public service institutions and by supporting services to women victims of violence developed by community-based service institutions
 75. The Government of Indonesia to affirm its commitment to eliminate all forms of discrimination and violence against women by ensuring the guarantees for the fulfilment of the right to safety and religious freedom for minority religious of belief communities
 - 75.1. To conduct policy harmonization, including repealing policies that limit the rights of citizens to profess a religion or belief and to practice in accordance to the religion or belief
 - 75.2. To produce a policy to guarantee religious freedoms
 - 75.3. To support rule of law to provide a sense of security to all citizens, without exception, from threats and violence in the name of religion
 - 75.4. To ensure the prosecution and conviction of perpetrators of violence in the name of religion as inseparable from efforts to prevent similar violence from reoccurring
 - 75.5. To run recovery programs for communities targeted by violence in the name of religion, and to give a special attention to particular vulnerabilities of women
 - 75.6. To design an education curriculum based on pluralistic values and gender-based human rights perspective to guard against the recent rise in religious fundamentalism in Indonesia.

Annex 1

List of Policies That Support the Protection and Promotion of Women's Rights In the Period 2007 – 2010

A. National Level

1. Law No. 24 of 2007 regarding Disaster Management. This Act sets out an order to take special measures for vulnerable groups, including pregnant and breastfeeding women.
2. Law No. 40 of 2008 regarding the Elimination of Racial and Ethnic Discrimination
3. Law No. 10 of 2008 regarding Elections. This Act sets out steps for affirmative action for 30% representation of women in the central management of political parties contesting elections and the nomination for legislators at national and regional levels
4. Law No. 38 of 2008 regarding the Ratification of the Charter of the Association of Southeast Asian Nations. This Act affirms the Indonesian government's commitment at national and regional levels to promote and protect human rights
5. Law No. 36 of 2009 regarding Health. This Act gives special attention to women's reproductive rights, recognises the right of female rape victims to decide on the fate of their pregnancies and guarantees women's rights to be free from violence in the Law No. 14 of 2009 regarding the Ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime
6. Law No. 2 of 2011 regarding Amending Law No. 2 of 2008 regarding Political Parties. This Act contained affirmative action steps in the form of a minimum 30% quota in female representation in the formation and central management of political parties.
7. Government Regulation No. 38 of 2007 regarding the Division of Government Affairs, Provincial and Local Government and Regency / City Governments. This government regulation focuses on coordinating across levels of government for the empowerment of women
8. Government Regulation No. 9 of 2008 regarding Procedures and Mechanisms for Integrated Services for Witnesses and/or Victims of Criminal Trafficking in Persons
9. Government Regulation No. 56 of 2010 regarding Supervision Procedures on Efforts to Eliminate Racial and Ethnic Discrimination
10. Presidential Regulation No. 5 of 2010 regarding the National Medium Term Development Plan. This Development Plan contains a plan for policy harmonisation within the framework of human rights as one of the main agenda items of the medium-term development plan of Indonesia.
11. Constitutional Court Decision No. 12/PUU-V/2007 which affirmed the principle of monogamy in marriage;
12. Presidential Regulation No. 23 of 2011 on the National Action Plan for Human Rights for 2011 to 2014.
13. Supreme Court Regulation No. 1 of 2011 on the Right to Judicial Review
14. National Police Chief Regulation No. 10 of 2007 regarding the Organisation and Work of the Women and Children's Services Unit (Unit PPA);
15. Police Regulation No. 3 of 2008 on the Establishment of Special Service Rooms (RPK) and Procedures for Examination of Witnesses and/or Victims of Crime;
16. Police Regulation No. 8 of 2009 on the Implementation of Human Rights Principles and Standards in the Execution of National Policing Work;
17. Minister of Social Affairs Regulation No 129/HUK/2008 on Minimum Service Standards of Social Affairs in Provinces and Regencies/ Cities;
18. Decree of the Minister of Health of Indonesia No. 129/Menkes/SK/II/2008 on Minimum Hospital Service Standards. Regulation No. 129/HUK/2008 and No. 129/Menkes/SK/II/2008 were a follow up to Government Regulation Number 65 of 2005 on Guidelines for the

Preparation and Implementation of Minimum Service Standards;

19. Ministry of Women's Empowerment and Child Protection (KNPPA) Regulation No. 1 of 2010 regarding Minimum Service Standards (SPM) of Integrated Services for Women and Children Victims of Violence on 28 January 2010;
20. MoU between Komnas Perempuan, Komnas HAM, KPAI and the Ministry of Justice and Human Rights in 2010 regarding human rights education that is gender balanced and which has a children's rights perspective
21. MoU between the Komnas Perempuan, Komnas HAM, KPAI, the Indonesian National Police, the Agency for the Protection of Witnesses and Victims regarding the Security Protection for Witnesses and Victims;

B. Local Level

1	Regency Decree of North Bengkulu. No. 21/2007 on the establishment of the Integrated Management Team for Women and Children
2	Riau Islands Province Regional Regulation No. 12/2007 on the Elimination of Trafficking of Women and Children
3	South Sulawesi Province Regional Regulation No. 9/ 2007 on the Elimination of Trafficking of Women and Children
4	Riau Islands Province Regional Regulation No. 15/ 2007 on the Prevention and Control of HIV/AIDS
5	Ambon Mayoral decision No. 390 of 2008 on the establishment of the Integrated Service Centre for Women and Children (P2TP2A)
6	Buru Regency Decision 436-116 of 2008 on the establishment of the Integrated Service Centre for Women and Children (P2TP2A) in the Buru district.
7	Klaten Regency Decree No. 411.1/183/2008 on the establishment of the Network Service Centre for Victims of Gender-Based Violence and Children "Mutiara Crisis Centre for Women and Children" (MWCCC) Klaten Regency for 2008-2011.
8	Memorandum of Understanding on the Elimination of Violence against Women and Children in West Lampung
9	Central Maluku Regency Decision No. 463-142 of 2008 on the establishment P2TP2A
10	Poso Regional Regulation No. 6 of 2008 on the Implementation of Protection, Services and Recovery for Women and Children Victims of Violence.
11	Wonosobo District Head Decree No. 15 of 2008 regarding SOP PPT
12	West Java Provincial Regulation No. 3 / 2008 on the Prevention and Treatment of Victims of Human Trafficking in West Java
13	Dompu District Local Regulation No. 4 / 2008 regarding the Implementation of the Free Educational and Health Program for the Dompu Community
14	Gowa Regional Regulation No. 4 / 2008 regarding Free Education in Gowa
15	Bangka Belitung Islands Governor Decision No. 188.44/067/ BPPKPA/2009 on 20-2-2009 regarding Integrated Service Centres for the Empowerment of Women and Children (P2TP2A) of the Province of the Bangka Belitung Islands
16	Bulukumba District Regulations No. 47/XI/of 2009 on the Establishment and Administration of the Bulukumba Integrated Service Centre for Women and Children
17	Jambi Governor Decree No. 452/Kep.Gub/BPMPPKB/2009 on the Formation of the Integrated Service Centre for the Empowerment of Women and Children in Jambi province.
18	Manado Mayoral Decree No. 51 of 2009 on the Establishment of the Administration of the Women and Children's Service Centre (P2TP2A) Manado City, the Mayor of Manado.

19	Sikka Regency Decree No. 325/HK/2009 on the Formation of an Integrated Services Team for Victims of Violence against Women and Children in the Sikka district in 2009
20	Banjar District Local Regulations No. 05 of 2009 Regarding Gender Mainstreaming Practices
21	Cianjur Regency Decree No. 182/kep.124-ks/2009 regarding the Formation of A Task Force on the Prevention and Handling of the Crime of Human Trafficking
22	West Java Governor Decree no.89/2009 on the guidelines for the implementation of Regulation No.3 of 2008 on Prevention and Handling of Victims of Human Trafficking in West Java
23	West Java Governor Decree No.467/Kep 1331-BPPKB/2009 on the Task Force for Prevention and Handling Victims of Human Trafficking
24	Bandung regency Regulation No.06 of 2009 on the Health of Mothers, Newborns, Infants & Toddlers (KIBBLA)
25	Tasikmalaya Regency Local Regulation No. 09 of 2009 on reproductive health
26	Bulukumba Regency Decree No. KPTS.39/II/2010 on Technical Guidelines for Integrated Development Program Towards Increasing the Role of Women in Healthy and Happy Families (P2WKSS)
27	Bulukumba Regency Decree No. Kpts.120/V/2010 on the Establishment of a Working Group on Gender Mainstreaming in Bulukumba in 2010
28	Jakarta Governor's Regulation No. 176 of 2010 on the Working Group on Gender Mainstreaming
29	East Java Governor's Decree No. 188/75/KPTS/013/2011 on the Management Team for the Integrated Services Centre for Women and Children Victims of Violence
30	Kulon Progo Regency Regulations No. 12 of 2011 regarding SPM in the field of Women's Empowerment and Child Protection
31	Sumenep Regional Regulation No. 7 2011 regarding the Protection of Women and Children Victims of Violence
32	Tegal Mayor's decision letter No. 460/077.B/2011 dated 1 April 2011 on the Establishment of a Team for Integrated Services and the Recovery of Victims of Gender-based Violence in Tegal for the 2011 Financial Year.
33	West Bangka Regional Regulation No. Kab of 2011 regarding Free Healthcare
34	Central Jakarta Religious Court Decision No. 549/Pdt.G/2007/PA.JP regarding Marital Seizure on September 23, 2008. This ruling is a good precedent in marriage cases
35	Bengkulu Province Local Regulation No. 21 Year 2009 regarding the Prevention and Countermeasures of Violence against Women and Children.
36	Bengkulu Governor's Regulation No. 18 Year 2010 regarding Implementation Guidelines for Local Regulation No 21 Year 2006 regarding Prevention and Countermeasures of Violence against Women and Children.
37	Bengkulu Local Regulation No. 22 Year 2006 regarding the Prevention and Eradication of Trafficking on Women and Children.

C. ASEAN Regional Level

1. 2007, ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers
2. 2007, the ASEAN Charter, which mandates the establishment of the ASEAN human rights bodies
3. 2009, the formation of the ASEAN Intergovernmental Commission on Human Rights (AICHR),
4. 2010, the formation of the ASEAN Commission on the Promotion and Protection of Women and Children's Rights (ACWC)
5. Indonesia - Malaysia Memorandum of Understanding – specifies that passports be held by domestic workers (previously passports were held by employers in accordance with the MoU of 2004), entitlements for at least one day off per week, minimum wages of RM 800. In a joint working group it was also agreed that wage cuts by employers to salaries earned by migrant workers cannot exceed 50% of the wages received by the migrant worker. Malaysia also stated that these wage cuts would be included in amendments to its labour laws.