



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Pre-session working group

Thirty-ninth session

23 July-10 August 2007

List of issues and questions with regard to the consideration of periodic reports

Indonesia

1. The pre-session working group examined the combined fourth and fifth periodic reports of Indonesia (CEDAW/C/IDN/4-5).

General

2. Please indicate if the report was adopted by the Government, if consultations with non-governmental organizations took place, and if it was presented to the Parliament.

Constitutional, legislative and institutional framework

3. While the Indonesian Constitution 1945 (Second Amendment, 2000) and Law No. 39 of 1999 on Human Rights provide a definition of discrimination that includes discrimination based on sex (paras. 25 and 26), there is no clear definition of “discrimination against women” modelled on article 1 of the Convention, as was noted with concern by the Committee in its previous concluding comments.¹ Please indicate any plan to enact relevant legislation, within a given time frame.

4. The report states (para. 40) that a gender mainstreaming mechanism has been established by Presidential Instruction No. 9 of 2000 on Gender Mainstreaming in National Development, obliging all Government representatives and agencies to mainstream gender perspectives in their work. Please provide information on how effectively this mechanism works, and on financing to support gender mainstreaming, including the use of gender-sensitive budgeting processes.

¹ See *Official Records of the General Assembly, Fifty-third Session, Supplement No. 38* (A/53/38/Rev.1), part one, chap. IV, sect. B, para. 285.

5. In its previous concluding comments, the Committee was very concerned about the existence of laws that were discriminatory against women, regarding family and marriage, economic rights and health.² Please describe what measures have been taken to amend discriminatory laws, and progress achieved so far.

Stereotypes and education

6. The report states that gender mainstreaming within the early childhood care development training programmes for parents aims to eliminate the stereotypical notions that women are the persons solely responsible for their children's nurturing and upbringing (para. 53). Please provide details of this programme, including participation rates by men and women and any impact observed in community attitudes towards the responsibility of men and women in the upbringing and development of their children.

7. The report recognizes that sociocultural attitudes and the misinterpretation of religious teachings hinder the full implementation of the Convention in a number of areas, including participation in public and political life, health and education.³ Please provide information on concrete actions taken to address this constraint, and the impact of such measures, as called for in the Committee's previous concluding comments.⁴

8. The report states that there is no gender parity at the primary level (para. 95), but also that "at the elementary school level, there was no gender gap between girls and boys" (para. 96). The report also states that there was a gap at the higher level of education, with only 12.8 per cent of girls completing high school compared to 17.5 per cent of boys (para. 96). Please provide sex- and age-disaggregated data on enrolment at the primary and secondary levels both in the rural and urban areas, and trends over time. Please also provide information on what measures are being taken, and their impact, to increase school enrolment and achieve gender parity at all levels of education.

9. The report notes that the majority of school dropouts are girls (para. 97 (f)). Please indicate what specific strategies have been taken, and their impact, to reduce the number of girls dropping out from school, as well as whether any educational programmes are in place for girls and women, especially married and underage girls and pregnant teenagers, who have left school prematurely.

Violence against women and trafficking

10. Please clarify the status of the law on domestic violence drafted by the National Commission on Violence against Women (para. 73 (b)).

11. According to the report, data on violence against women, in particular domestic violence, were not easily acquired due to the nature of the problem (domestic violence is regarded as a private issue, therefore it is not reported publicly) (para. 74). Please describe the steps taken to collect data on the extent,

² Ibid., para. 284.

³ Ibid., paras. 59, 78, 93, 124 and 139.

⁴ Ibid., para. 301.

causes and consequences of all forms of violence against women, as called for as a matter of priority in the Committee's previous concluding comments,⁵ for example, by conducting a population-based survey.

12. Please indicate what other measures have been taken or are being planned to increase public awareness about men's attitudes regarding the prevalence of violence against women and its unacceptability as a violation of women's human rights, including sensitization of authorities who are directly involved in combating all forms of violence against women, as called for in the Committee's previous concluding comments.⁵

13. Please provide an update on the status of the implementation of the actions outlined in the Master Plan 2003-2007 on the Elimination of Trafficking in Women and Children and the impact of the various measures (paras. 70 and 71). Please provide statistics on the number of women that are being trafficked and how many traffickers have been prosecuted in the past five years.

14. The report notes that there are hundreds of abuse cases each year against the estimated 2.5 million Indonesian migrant workers abroad, of whom more than 70 per cent are women, and that very little has been done to provide protection or adequate pre-departure preparation (para. 108). The Committee, in its previous concluding comments, also expressed concern about migrant women abroad being trafficked for the purpose of prostitution.⁶ Please describe what specific measures are in place to address this problem and what further action will be taken to protect these migrant women abroad from being abused and engaging in prostitution.

Participation in public life and decision-making

15. Despite the adoption of Law No. 12 of 2003 on General Elections which stipulates that women should form at least 30 per cent of the candidates of political parties for the legislature (para. 76), the report recognizes that the number of women candidates in most political parties falls short of this. Please indicate what sanctions, if any, the law stipulates for non-compliance, and what other measures have been taken to achieve compliance with this law.

16. The report shows the very low representation of women in the public and political arena, including in Parliament, in ministries, non-ministerial Government institutions, the judiciary and the foreign service. Please provide information on any measures and activities that are in place to address this situation, including temporary special measures, in accordance with article 4, paragraph 1 of the Convention, and the Committee's general recommendation No. 25, and their impact.

Nationality

17. Please indicate the status of the draft law on citizenship of the Republic of Indonesia (amending Law No. 62 of 1958) (para. 89) and clarify how it will meet all requirements of article 9 of the Convention.

⁵ Ibid., para. 303.

⁶ Ibid., para. 296.

Employment and poverty

18. The report recognizes that women consistently receive significantly lower salaries than men for the same work done (para. 106) despite Government Regulation No. 8 of 1981 on Wage Protection and ratification of the International Labour Organization Convention No. 100 on equal remuneration for men and women workers for work of equal value (para. 115). Please indicate what steps the Government has taken to ensure compliance with the Regulation and ILO Convention No. 100 and what measures are in place to enhance women's knowledge of the law and capacity to claim their rights.

19. The report recognizes that the Government has not been able to enforce provisions related to the right to family benefits for all private enterprises but is working closely with civil society organizations to formulate guidelines on equal employment opportunities in order to speed up full implementation of international labour standards (para. 145). Please provide information on the content and status of the guidelines, as well as other measures taken to ensure compliance among the private sector with the Committee on the Elimination of Discrimination against Women.

20. Please clarify whether workers in the informal sector, many of whom are women, are eligible to participate in the social security scheme for workers (Jamsostek), and if so, please provide sex-disaggregated data about the extent of such participation.

21. The report notes that the interdepartmental working group for equality in the world of work is working with civil society organizations and others to synchronize legislation and regulations to improve women's access and opportunity to obtain social welfare support, bank loans and credits (paras. 146 and 147). Please provide information on the activities and impact of the interdepartmental working group. Please include information on whether the working group has addressed other discriminatory laws in the world of work, including the requirement that a woman obtain her family's consent for night employment (para. 116), which was noted with concern in the Committee's previous concluding comments.⁷

22. Please provide information, including sex-disaggregated data, on women's access to mortgages, bank loans and other forms of financial credit.

23. The report recognizes that women and children suffered more than men as a consequence of the economic crisis of 1997 (paras. 8, 111 and 148), particularly in the area of employment (para. 113). Please indicate how national development plans or poverty eradication strategies that are in place in the country, including those aimed at achieving the Millennium Development Goals, integrate a gender perspective and contribute to the implementation of the Convention and respond to the Committee's concern in its previous concluding comments.⁸ Please also provide information on the impact of the implementation of such policies on poverty levels among women, particularly rural women.

⁷ Ibid., para. 284 (b).

⁸ Ibid., paras. 281 and 302.

Health

24. According to the report, the issue of unwanted pregnancy leading to unsafe abortion and its complications is a main problem faced by adolescents (para. 130) and that a 1999 study of 15-19 year-olds in four provinces of Indonesia revealed that 61 per cent have unwanted pregnancies, with 12 per cent of them undergoing abortion and 70 per cent performing the abortion themselves (para. 131), even though abortion conducted outside recognized medical facilities is illegal under Indonesian law (para. 132). Please indicate what concrete measures have been taken to address the issue of unwanted pregnancies and the issue of abortions, especially among adolescents. In particular, elaborate on the availability and accessibility of age-appropriate sex education, family planning information and a range of contraceptive methods.

25. Please provide data disaggregated by sex about HIV/AIDS infection and mother-to-child infection. What is the impact of the action taken to prevent and combat the prevalence and spread of HIV/AIDS?

26. The report shows that the maternal mortality rate in Indonesia is the highest among Association of Southeast Asian Nations countries (para. 124). Please describe any measures taken to address this problem, in particular, policies or actions that ensure women's access to reproductive health facilities, especially for poor urban women, rural and hinterland women.

Marriage and family relations

27. The report indicates that the legal age for marriage is 16 for a girl and 19 for a boy (para. 163), which was an area of concern in the Committee's previous concluding comments.⁹ Please indicate the steps taken to raise the minimum age of marriage for girls to 18 years in order to bring it in line with article 1 of the Convention on the Rights of the Child, article 16 of the Convention on the Elimination of All Forms of Discrimination against Women, and the Committee's general recommendation No. 21, and whether a timetable has been established for enacting such an amendment.

28. The report recognizes that child marriages (by persons less than 16 years of age) continue to be prevalent, reaching as high as 16 per cent in West Java, according to the 1998 National Social Economic Survey (para. 74). Please explain why the provision contained in Law 23 of 2002 has not been adhered to. Please also provide information on concrete efforts taken to reduce the incidence of child marriage, including the proposal for legal sanctions for individuals who force a child under 18 years of age to marry (para. 160 (f)).

29. The report notes that the conclusion to the critical review of Marriage Law No. 1 of 1974, which has been going on since ratification of the Convention on the Elimination of All Forms of Discrimination against Women, recommended revisions to the Law based on the fact that some of its articles are discriminatory against women, particularly with regard to household responsibilities and polygamy (para. 161). Please indicate the steps taken to implement these recommendations and

⁹ Ibid., para. 284 (a).

to amend the Law, as called for in the Committee's previous concluding comments.¹⁰

30. In 2005, the Committee on the Elimination of Discrimination against Women adopted a statement in regard to the Tsunami disaster in South-East Asia of December 2004,¹¹ in which it stressed that gender-specific needs and vulnerabilities must be identified in all responses to the humanitarian and recovery efforts, especially in relation to health, security and livelihoods. Please provide an assessment of the impact on women of the measures taken by the country during its recovery and rehabilitation efforts, including women's access to services and opportunities.

Optional Protocol and amendment to article 20, paragraph 1

31. Indonesia became a signatory to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 28 February 2000. Please indicate any progress made with respect to the ratification of, or accession to, the Optional Protocol. Please also indicate any progress made towards acceptance of the amendment to article 20, paragraph 1, of the Convention.

¹⁰ Ibid., para. 307.

¹¹ See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 38 (A/60/38)*, annex II.