



**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**

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**Responses to the list of issues and questions with regard  
to the consideration of the combined fourth and fifth  
periodic report**

**Indonesia \***

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

## GENERAL

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

While the report was adopted by the Government, its drafting process which took place during 2000 – 2003 involved various stakeholders ranging from representatives of related government agencies to non governmental organizations, members of parliament, community organizations, religious leaders, community leaders and academicians. Small working groups, comprising several eminent experts, were held to refine the draft and they worked throughout 2004. Although not directly presented to the Parliament, the draft report was disseminated to members of parliament, government agencies, non-governmental organizations and other groups for comments and further inputs.

It is also noteworthy that since 2001 Indonesian Women Parliamentarian Caucus has actively promoted gender equality and women empowerment in the Parliament. In line with the Convention, particularly in promoting 30% minimum quota of women parliamentarians, the Caucus is implementing three strategic measures namely:

- (i) identification and revision of the existing laws that were discriminatory against women;
- (ii) ensuring and increasing budget for women empowerment in every sectors; and
- (iii) monitoring of the implementation of women-related laws.

The Caucus indicates their wish for enhanced consultations and coordination with the Government, in its future reporting process of various human rights conventions, including CEDAW.

## CONSTITUTIONAL, LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

2. **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, (para 25/6) there is no clear definition of “discrimination against women” modeled on article 1 of the Convention, as also noted with concern by the Committee in its previous concluding comment (A/53/38/Rev.1 para. 285). Please indicate any plan to enact relevant legislation, within a given timeframe.**

A draft Law on Gender Equality is under discussion among concerned Government officials. This draft will include the definition of discrimination against women, and touches on the full range of women’s rights, their equal access, control, participation and the benefit to which they entitled in the family, community and society. The draft is scheduled for 2008.

3. **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 perspective 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.**

Starting in 1999, the importance of gender equality has been a pronounced feature of our National Development Plans. In fact, gender mainstreaming has been included as one of the strategies of the 2004 – 2009 Mid-Term National Development Plan, which serves as the government's annual work plan. Furthermore, gender mainstreaming has also formed an integral part of the strategy for poverty alleviation. In order to monitor its effective implementation, the State Ministry for Women Empowerment has conducted studies in ten provinces (East Java, Lampung, West Kalimantan, North Sumatra, Central Java, Jambi, Bali, Maluku, Central Sulawesi and Bangka Belitung). The findings were as follows:

**Institutional mechanism and supporting institutions**

The study found that the institutions responsible for the implementation of gender mainstreaming varied within and among provinces, which inevitably created problems in related to coordination and facilitation when functions were being performed. Some of the provinces assigned decision making position to the head of the institutional structure whilst others had a low level of government hierarchy. This situation influenced the impact of the work mechanism at the regional level.

Supporting institutions played important roles in maximizing the effective implementation of gender mainstreaming bodies such as Gender Mainstreaming (GMS) Working Groups, Gender Focal Points, Women Empowerment Management Team, Mother Friendly Movement Working Groups, Early Child Care entities, Women Crisis Centers, Special Treatment Units are to mention a few examples. These supporting institutions helped to accelerate the implementation of gender mainstreaming strategy in their respective region, even as they assisted the prime actors for women empowerment and gender equality. The study also found that not all provinces had established such institutions.

**Commitment of Regional Government**

The extent of regional commitment is reflected by the availability of gender responsive policies and programs in regional plan as well as gender and WID budgeting.

The commitment of regional government is made evident through their gender responsive policies and programs making up regional strategic plans and annual government work plans. The study found that the majority of the provinces had formulated gender responsive policies and programs that had been incorporated into regional strategic and work plans. The study also found that gender perspectives had been integrated into health, education, and social welfare programs.

In terms of gender budgeting, the national budgetary allocation for women and for gender is still inadequate, below one per cent, although we have advocated that each ministry allocate 5 per cent of its resources for gender mainstreaming. Gender-budgeting training and orientation had been and is being conducted across regions as well as at the national level to increase the awareness, understanding and implementation of gender responsive budgeting in regional and national

development plans. The difficulty faced by each provincial government is in the implementation of gender budgeting itself. It is far easier to allocate budgets for specific women programs.

#### Gender Mainstreaming capacities

The expected follow up action by provincial government after GMS capacity buildings is indicated by the issuance of several provincial government decrees and/or regulations to support gender mainstreaming in planning, implementation, monitoring and evaluation. Another indicator is the setting up of gender mainstreaming forums and working groups, women alliances/caucuses as well as the enactment of regional anti-trafficking and elimination of domestic violence acts, among other things.

#### Sex-disaggregated data

The study found that for various reasons many provinces did not have sex-disaggregated data in different development sectors. The reasons ranged from lack of understanding on gender concepts to the lack of resources for data collection and analysis.

At the national level, the gender mainstreaming strategy had been implemented in nine development sectors: namely, law, labor, education, agriculture, cooperatives and small and medium-sized enterprises, social welfare, family planning, health and environment. The main problems affecting the implementation process are the insufficient understanding of gender equality concepts, gender mainstreaming strategy, the lack of supportive institutional infrastructures, resources and capacities as well as the insufficient coordination among related government agencies.

Based on the studies found to promote the effectiveness of the gender mainstreaming strategy and mechanism, the State Ministry for Women Empowerment, in cooperation with related government agencies and non-governmental organizations, has formulated a draft National Plan of Action on Gender Mainstreaming in National Development to be issued by Presidential Regulation. The draft Regulation is still being considered by the State Secretariat and once approved, will strengthen Presidential Instruction No. 9 of 2000 on Gender Mainstreaming in National Development.

- 4. 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 ( A/53/38/Rev.1, para 284). Please describe what measures have been taken to amend discriminatory laws and progress achieved so far.**

**(See also no. 16 and 20)**

The ratification of CEDAW with Law Number 7 of 1984 and the introduction of Presidential Instruction No. 9 of 2000 on Gender Mainstreaming in National Development has led to the identification and analysis of discriminative laws and various regulations with gender biases. At present, there are around 21 laws which are still discriminatory against women and gender-biased. Within the period of 2003 – 2006, the State Minister for Women Empowerment, in cooperation with

Ministry for Justice and Human Rights and Parliament, has undertaken some revision to those laws i.e. Law on National Education, Law on Citizenship, Law on Health, Law on Population, Law on Labor.

In 2004, we passed the Law on Elimination on Domestic Violence and the Law on Placement and Protection of Indonesian Workers Overseas. Recently we have just passed the Law on Protection of Witness and Victims as well as the Law on Anti Trafficking which will provide legal and social protection to women and children who are the majority of the victims.

At present, we have proposed to the President that amendments be made to the Law on General Election, the Law on Political Party and the Law on the Status of Members of Parliament in order to ensure that 30 per cent representatives in the parliament after the 2009 general election are women. At the level of bureaucracy, we have been pressing for affirmative action to allow more women in decision making positions, although no quota has been established.

The State Ministry for Women Empowerment will ensure the future enactment of draft Law on Defense, on Legal Codes, on Regional Government, on Micro, Small and Medium Enterprises, on Banking, on Cooperatives, on Anti Pornography, on General Election, on Labor and Social Protection, on Health, and on Natural Disaster, to mention a few examples. These proposed laws will accommodate the needs and aspirations of both men and women.

## STEREOTYPES AND EDUCATION

5. **The report states that gender mainstreaming within the Early Childhood Care Development training programs for parents aims to eliminate the stereotypical notions that women are the persons solely responsible for their children's nurturing ( para 53). Please provide details of this program 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.**

The State Ministry for Women Empowerment in 1981 initiated the Early Childhood Care Development Training program. The training aims to educate and empower parents (mother and father) and other members of the family to care for, bring up and nurture their children, especially those below seven years of age. The program is managed by working groups from the national to the village levels. The national working group is supervised by the Deputy State Minister for Women Empowerment, at the provincial level by the governor, at the regency's level by the mayor and at the village level by the chief of the village.

The management of the program covers aspects of planning, implementing, monitoring and evaluation. The program is being implemented as an integral part of the agenda approved by governmental and non-governmental organizations. The program priorities consist of advocacy among decision-makers and stakeholders, dissemination of information and education to target groups, capacity buildings for trainers, and the development of models and services to parents (nutrition observation, referral, monitoring etc).

The training program can be found throughout Indonesia and has evolved into a movement for early child care development in 17,000 villages. This is a community-based movement and is conducted across sectors and disciplines focusing on nutrition, psychosocial development, psychology and education. The implementation of this program has depended largely on its cadres at the grassroots level and the availability of the training modules. Although there is no hard data on the participation rate of men and women and no analysis of its impacts, it is believed that the program has contributed to promoting male participation in the nurturing and caring of their under-fives. The evidence for this is the increased percentage of men taking their young to the local clinics, public health centers and pre-schools.

Apart from the Early Child Care Development Training program, the Ministry of National Education has developed programs specifically targeting children under-five, entitled Program for the Under Fives. The total number of the under-fives is 28.34 million, with girls outnumbering boys. The measures taken to implement the programs are as follows:

- (a) provision of block grants to increase access to quality education;
- (b) setting up of a coordination forum for child care development and treatment of the under fives;
- (c) a public campaign on the Program for the under-fives;
- (d) cooperation with women organizations, professional organizations, religious organizations to improve the program.

6. **The report recognizes that socio-cultural 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 (paras 59, 78, 93, 124, 139). 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 (A/53/38/Rev.1, para. 301)**

The Government clearly recognizes that education and awareness-raising are crucial element of a comprehensive strategy to address the discriminatory socio-cultural attitudes and the misinterpretation of religious teachings. Since 2000, the State Ministry for Women Empowerment has conducted gender sensitization training, gender analysis training and orientation, at all levels of authorities. Other efforts involve the dissemination of the information, such as leaflets, journals, booklets, brochures through print media and electronic media such as radio, television and internet. Religious and community leaders have actively been contributing to the efforts by focusing on gender-sensitive verse and teachings, including through formal school curriculum.

The impacts of these endeavors can be gauged by the increased of media coverage on gender issues in public life and the growing awareness of society about gender issues as indicated in the depth of discussion on different occasions. Other indicators are the availability of sex-disaggregated data at the national and some provincial levels and the formulation of gender responsive strategic plans in such

areas as education, health, labor, social welfare, agriculture, fisheries, cooperatives, and small and medium-sized enterprises.

For example, the Ministry of National Education has integrated gender perspectives into its policies and programs, covering the planning, implementation and evaluation stages. It has also developed gender sensitive text books and curriculums. The Ministry of Health has focused its policies and programs on the reduction of maternal and infant mortalities as well as other women -related diseases, and the Ministry of Labor and Transmigrations has introduced affirmative action to promote women human rights in labor and their protection as overseas workers.

The Ministry of Home Affairs has developed gender responsive development projects and has also issued Ministerial Decree Number 132/2003, providing general guidance on the Implementation of Gender Mainstreaming in Regional Development. The decree confirms the roles of governors and mayors as the main focal points for gender mainstreaming at the provincial and regency levels and at the district and village levels. The decree also recommends that five per cent of the total provincial budget should be allocated to the implementation of gender mainstreaming and activities to support its implementation.

With the implementation of Regional Autonomy Law Number 32 of 2004, the provincial and regency governments have set up bureaus or units or agencies for women empowerment and gender equality. At present, there are now 258 such institutions all over the country at the provincial and regency levels.

7. **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.**

**(Please find enclosed the sex and age disaggregated data on enrolment at the primary and secondary levels, both in urban and rural areas.)**

The State Ministry for Women Empowerment has conducted gender -sensitization training for education officials, advocacy among decision makers and gender analysis training for planners and programs in the education sector. To follow up of these activities, the Ministry of National Education has formulated gender responsive strategic planning for 2004 – 2009 and has mainstreamed gender in the implementation of its policies and programs. Key measures undertaken are designed:

- (a) to change the perception and to acknowledge their professionalism;
- (b) to standardize education;

- (c) to promote the affirmative action through the provision of school-operational assistance especially for poor families, and scholarship to potential school-age girls from poor families;
- (d) to rehabilitate school buildings and other educational facilities;
- (e) to build open schools, spanning the range of primary to tertiary levels and reaching the most remote areas where the majority of the girls are;
- (f) to develop gender responsive family education program by providing block grants for 375 institutions to assist families, especially socially disadvantaged women, with the acquisition of marketable skills and capacity building and to develop gender responsive school models;
- (g) to intensify efforts to combat illiteracy among women by halving the rate in 2009, earlier than the 2015 Millennium Development Goals deadline (because illiteracy among women is doubled that of men - whereas the percentage of illiterate women in 2005 is 12.85 per cent and for men is 6.26 per cent ).

To speed up the process to reduce female illiteracy, the State Minister for Women Empowerment initiated affirmative action by signing of an agreement with the Minister of National Education and the Minister of Home Affairs in 2005, targeting girls and women between 15 – 44 years. The agreement was later reinforced by Presidential Instruction Number 5 of 2006 on Compulsory Education and Combating the Acceleration of Illiteracy. Similarly, there is an agreement between the Minister of National Education with women organizations and religious organizations to assist in combating illiteracy among women and promoting their acquisition of skills.

Furthermore, the Ministry of National Education has conducted gender sensitization training and orientation exercises for teachers, parents and community, school principles, education officials and has developed sex- and age disaggregated data on education (primary, secondary, tertiary, and literacy rate).

Some of the regions which are already advanced in the implementation of education policies with gender perspective are East Java province, Deli Serdang district (North Sumatera province), Bontang City ( East Kalimantan), Tangerang, Sinjai (South Sulawesi province), Jembrana district (Bali province), Musi Banyu Asin district ( South Sumatera province), Kutai -Kartanegara district ( East Kalimantan province), and Kebumen district (Central Java).

8. **The report notes that the majority of school drop outs 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 programs are in place for girls and women, especially married and under -aged girls and pregnant teenagers, who have left school prematurely.**

The Government has developed specific programs, categorized as Packages A, B, and C - to help girls and women in need of education. Package A is for those who obtained only elementary education; Package B for secondary education and Package C for Tertiary education.



Other measures include the establishment of community -based training centers supported by government to provide girls/women dropping out of schools with skills, entrepreneurship training and rehabilitation centre specifically designed for pregnant teenagers through informal education.

Regarding statistical data, in the 2005 survey, the percentage of girls that dropped out of school was recorded as being lower (73.94 per cent) than boys (76.22). Please find enclosed the 2005 table on the Percentage of Population aged 10 Years and above, by region, sex and educational status.

**9. Please clarify the status of the Law on Domestic Violence drafted by the National Commission on Violence against Women ( para.73 b)**

Preceding the adoption of the specific Law and Regulation on Domestic Violence, a Joint Agreement on Integrated Services for Victims of Violence against Women and Children was signed in 2002 between the State Minister for Women Empowerment, Minister of Health, Minister of Social Affairs and Head of National Police. The Joint Agreement, in addressing the needs for integrated services for victims of violence, clarifies the responsibility of the signatories which include the establishment of services and shelters, dissemination of information to external sources and within each institution and building understanding generally.

Law Number 23 of 2004 on Domestic Violence was passed on 8 December 2004. The Law consists of 56 articles and specifies the definition of violence. It is intended to promote human rights, to achieve gender equality, to eliminate discrimination and to protect victims of violence, to punish perpetrators and to maintain the harmony of the household. The Law also highlights the roles of government, community, the need for protection and rehabilitation for victims and it also provides for sanctions to be imposed on perpetrators.

As the follow up of the Law, the Government issued Regulation No. 4 of 2006 on Recovery and Cooperation in the Recovery of the Victims of Domestic Violence.

**10. 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, 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 (A/53/38/Rev.1. para.3003), for example, by conducting a population -based survey.**

In 2006, the Statistics Agency has conducted a National Social Economic Survey which also included a survey to assess the prevalence of violence against women and children. The results from more than 60,000 families and 128,000 respondents showed that the prevalence is 3.4 per cent. There is a possibility of underreporting in the survey. This was the first large survey ever done in Indonesia. Based on that experience, data -gathering methods are being improved to ensure greater accuracy of data from such surveys in the future. Further analysis to determine the correlation between violence and social economic variables will be done in 2007. Data on violence was viewed against the backdrop of family data pertaining to social and economic variables captured by the National Social

and Economic Survey. Data on violence included characteristics of victims, types of violence, data on perpetrators and forms of assistance accessed by victims.

Each year, the National Committee for Elimination of Violence against Women collects data from services points around the country. In 2006, around 22,512 cases of violence against women were handled by 257 services points in 32 provinces. As in the previous year, the dominant cases were linked to domestic violence (16,709 cases or around 76 per cent); followed by violence in the community (5240 cases or 23 per cent) and 43 cases were state violence.

Another effort to make data on violence available is through the development of a reporting and recording system for service points. This system is being field -tested. The data collected is used for management purposes at different levels. The scope of information would include data on the victims and perpetrators, types of violence, type of service points, services provided, and actually obtained, and the availability and the expertise of the service providers. The Ministry of Social Affairs has also been collecting data in 2007 and found that the number of women being abused, exploited, harassed and so on amounted to 76,407 while the men numbered 68,651.

Attention is also being paid to the violence that occurs during the recruitment, placement and return of women migrant workers overseas. Please find attached the data on cases of violence against migrant workers.

11. **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 which are directly involved in combating all forms of violence against women as called for the Committee's previous concluding comments (A/53/38/Rev.1, para. 303)**

Apart from awareness-raising campaigns through various media, the efforts have also been focused on the effective implementation of the relevant laws. Both the Law on Domestic Violence and the Government Regulation Number 4/2006 on Recovery and Cooperation in the Recovery of the Victims of Domestic Violence provide guidelines for action to all responsible institutions and those in authorities, including judicial and law enforcement officers, lawyers, social workers, health professionals or others who are directly involved in combating violence against women. Apart from that, advocacy for such action is also directed at provincial and district governments across the country.

The State Ministry for Women Empowerment has been given the responsibility to coordinate action to eliminate domestic violence. Its responsibility includes coordination of all efforts, development of policy, conduct IEC programs and training on gender sensitivity and the development of standard of services. Responsibilities are also assigned to the most relevant line ministries such as Ministry of Health, Ministry of Social Affairs, and National Police, as stipulated in the Law.

The Law also determines tasks and functions of regional governments namely: establishment of special desks at police station; provision of service providers including those pertaining to health; assistance by social workers; mental/psychological assistance; establishment and development of interagency cooperation in services to be accessed by the victims; and protection for those assisting the victims, including witnesses, family members and friends.

The State Ministry for Women Empowerment also provides support, fund included, for the protection of women in the provincial level. In 2006, 30 provinces and 81 districts received support and it will be continued in 2007 to cover 118 districts and all 32 provinces. It is believed that as the result of advocacy and information dissemination on VAW issues, many districts initiated program on their own.

To help the victims of violence in almost every province in Indonesia, police stations have set up Special Treatment Units. Community organizations and NGOs have set up Trauma Centers/Crisis Centre supported by medical officers, legal officers and counselors.

The National Committee for Elimination of Violence against Women, in collaboration with the Legal Assistance Body and Women Studies Centers, has conducted capacity exercises on gender-based violence, women's rights and Law on Domestic Violence for law enforcement officers. It is hoped that with the capacity building, the future revision of Criminal Code will be more gender sensitive.

In order to increase coordination and create synergy among stakeholders, the State Ministry for Women Empowerment has established a coordination forum, consisting of representatives from the Ministry of Health, Ministry of Social Affairs, Ministry of Education, Ministry of Religious Affairs, the National Police, the Attorney General's Office and NGOs. At the provincial levels, similar coordination forum or working groups have also been established by governors and heads of districts. Ministries provide support to regional government through the national decentralization program.

Other efforts have been initiated by Ministry of Social Affairs. The Ministry has developed a Manual on the Management and Organization of Trauma Centers and Protection Home. The Ministry also provides skill training programs and small capital for women victims of violence.

Ministry for Women Empowerment supported by UNFPA through its 7<sup>th</sup> Country Program, intends to deepen the implementation of the Law and Regulation on the EVAW in six provinces, namely West Kalimantan, West java, South Sulawesi, East Nusa Tenggara, Aceh and West Nusa Tenggara.

The campaign to eliminate VAW will be expanded to incorporate prevention activities. Family education methods will be developed in 2007 and can be expected to address ways in which to increase family members' knowledge and understanding of VAW. On the other side, services at community level will also be developed.

A model for services to be provided by religious boarding school has been developed in one province and other provinces are following this example. Shelter for victims is an integral part of this model. Once the organization is a significant religious education organization, it will be a reference point for

morality. On that basis, it is expected to engage in information dissemination throughout its surrounding community. It will be encouraged to develop teaching materials for community religious sessions, such teaching to be based on the Holy Book Al-Quran and other references. When necessary, there will be elaboration for those verses related to violence.

In addition, Integrated Women Services Centers for Women and Children have been set up in several provinces. They circulate information on women empowerment and gender equality programs, on services for victims of violence and they manage training centers for women empowerment.

- 12. Please provide an update on the status on the implementation of the action outlined in the master Plan 2003 – 2007 on the Elimination of Trafficking in Women and Children and the impact of the various measures (para 70/1). Please provide statistics on the number of women that are being trafficked and how many traffickers have been prosecuted for the past five years.**

Long before the passing of the Law on Anti Trafficking in 2007, the police operated under the Law on Child Protection and other Criminal Codes to prosecute perpetrators. The charges carried penalties between 4 – 6 months to 3 – 12 years in prison. The following are the cases for trafficking reported and prosecuted during the period 2002 – 2006

Year	Cases reported	Completed/prosecuted
2002	155 cases	96 cases
2003	138 cases	88 cases
2004	68 cases	30 cases
2005	71 cases	19 cases
2006	<u>64 cases</u>	<u>37 cases</u>
	406 cases	267 cases

Preceding the enactment of the Law on Anti Trafficking in 2007, the Government passed Presidential Decree No. 88/2002 on the National Plan of Action on the Elimination of Trafficking in Women. It is an integrated plan of actions in order to strengthen coordination and increase synergy among stakeholders to combat trafficking in women and children. Please find statistics on victims of trafficking in 8 countries and the solution taken to help them.

The actions as outlined in the Master Plan on Elimination of Trafficking in Women and Children are as follows:

#### Legislation and Law Enforcement

Recently in 2007, Parliament enacted Law on Anti Trafficking No. 21 of 2007 as the basis for promotion an protection of human rights, in particular women human rights and as an important tool to combat trafficking in women and children. Long before that, two protocols on human trafficking and trafficking in children were signed namely, Optional Protocol to the Convention on the Rights of the Child (1989) on the sale of Children, Child Prostitution and Child Pornography and Protocol to

Prevent, Suppress, and Punish Trafficking in Persons especially Women and Children, which is supplementary to the United Nations Convention against Transnational Organized Crime.

The District Attorney has issued a Circular Letter on Money Laundering; Cyber-crime and Trafficking in Women and Children. It reports on cases of trafficking resolved and perpetrators prosecuted as follows:

Provinces	Number of cases in 2004	Number of cases in 2005
North Sumatra	10	
North Sulawesi	1	
Riau	2	
East Kalimantan	2	1
Jakarta	6	
West Java	1	1
Lampung	1	
West Sumatra	1	
Bangka Belitung	1	
Bengkulu	1	
Jambi		1
Banten		2
Central Java		1
East Nusa Tenggara		1
North Sulawesi		1

To counter trafficking at the provincial level, several provinces and districts have passed regional regulations or acts. Among those that passed regulations are North Sulawesi, Dumai, Riau, Indramayu, Cilacap, Surakarta, East Java, West Kalimantan, East Kalimantan, West Nusa Tenggara.

The National Police has succeeded in dismantling the trafficking syndicate in Tangerang, Lampung, East Java, North Sumatera, Kendari, Cirebon, Makassar and Central Java.

The Director General of Immigration has revised Law No. 9/1992 on Immigration which addresses the management of women victims of trafficking and those smuggled as migrant workers.

At present, the police are in the process of setting up a unit specially designed to handle crimes against women and children, and trafficking in women and children. Part of the unit will be a special treatment facility.

## Prevention

The measures being taken are the following:

- \* Public campaign using mass media, including electronic media, to provide information about trafficking in order to counteract the work of traffickers.
- \* Dissemination of information to relevant education and communication stakeholders on the National Plan of Action on the Elimination of Trafficking in Women and Children.
- \* Seminar on the trafficking in women and children, with participants from hotel and entertainment businesses and related government stakeholders.
- \* Application of resources to map the transit and destination points of women migrant overseas workers.

With support from local and international civil society organizations (CSOs), such as International Catholic Migration Commission (ICMC) and American Centre for International Labor Solidarity (ACILS), the Ministry for Women Empowerment conducted a program on Strengthening the Initiatives of Government, NGOs and Trade Unions against Human Trafficking in ten provinces. These CSOs have also supported the development and production of anti-trafficking video training and campaign kit to educate thousand of members about trafficking network, ways to combat trafficking, awareness building about trafficking and empowering teachers to raise awareness about this issue in junior and senior high schools. They also have provided public information messages through comic books and leaflets inserted in commercial noodles and Indonesia's first ever website exclusively devoted to combat trafficking. Apart from that, video training is being done by a prominent celebrity, Dewi Hughes, who has been elected to serve as the icon for the elimination of trafficking in women and children.

Such efforts have also sought to revitalize available community institutions, in cooperation with local non-governmental organizations among them Saving and Loan cooperatives in East Kalimantan; income generating projects in Nunukan district, East Java province; and those involved in anti-trafficking program and protection and social services for children of women migrant workers in Nunukan, East Java province. Also playing its part is the transit system for Indonesian Migrant Workers who return to their home via Jakarta, accessing shelter services for trafficking victims as they travel.

The Ministry of Foreign Affairs, in cooperation with the National Committee on EAW, has worked out a special agreement on the management and handling of Indonesian Migrant Workers utilizing human rights approach.

Director-General of Population Administration, Ministry of Home Affairs, has called on district/city governments to provide free birth certificate to new born babies, in accordance with provisions contained in the provincial act.

## Prevention, Rehabilitation, Reintegration and Repatriation

Among the many measures adopted in these areas are the following:

- The formulation of a Manual/Standard Operational Procedure on the Return and Reintegration of Trafficking Victims by line ministries, coordinated by the State Ministry for Women Empowerment. Along with that, the Ministry of Social Affairs has developed a Manual on the Protection and Management of Commercial of Sexual Exploitation of Children and its Technical Guideline on Funding Disbursement for Returning Victims of Trafficking and a Manual on the Management of Homes for the Social Protection of Children.
  - The establishment of Integrated Service Posts for the victims of violence through the signing of Joint Agreement between the State Minister for Women Empowerment and the Minister for Social Affairs, the Minister for Health, and the National Police. The Police have set up 38 Integrated Service Posts in police hospitals all over Indonesia, one of which has been developed exclusively as the post for women and children victims of trafficking, supported by medical integrated services in cooperation with the International Organization of Migration. The IOM has provided legal assistance and education to victims. Over the period January to December 2006, 409 victims of trafficking were assisted. The total consisted of 304 adult (74.33 per cent), 31 of whom were (7.58 per cent) and 378 women (92.42 per cent) while children 105 (25.67 per cent).
  - In order to resolve the cases of violence against women, covering the years 1999 – 2005, the National Police has established 237 Special Treatment Units that also function as shelters for victims of violence. These units are managed by women police and provide services to women and children who have been victims of crimes and violence, including trafficking. In the years 2004 – 2005, the Police trained 1100 women police to man the units.
  - In collaboration with regional governments, the State Ministry for Women Empowerment has developed Integrated Services Posts for Women and Children in provinces, districts/cities as the preferred medium of learning, teaching, legal assistance of women's and children's programs.
  - The National Police have disseminated information on the draft Anti Trafficking Law to its members, conducted training, seminars and prepared training modules on how to handle trafficking and traffickers.
13. **The report notes that there are hundreds of abuse cases each year against the estimated 2.5 million Indonesian migrant workers abroad, of whom 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 (A/53/38/Rev.1, para 296). 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.**

**Some of the measures being taken have already been highlighted in preceding responses.**

A bilateral labor cooperation agreement with several receiving countries, namely with Kuwait, Jordan, Malaysia, Taiwan and Korea were signed in 1996, 2001 and 2004 respectively. The agreement is based on mutual concerns and commitment to promote and protect the rights of Indonesia women migrant workers who work in those countries, both those with and those without acceptable legal status.

At a regional level, Indonesia took a lead to fully implement the goals and commitments made related to eliminating violence against women and monitor their progress. During ASEAN Ministerial Meeting in 2004 in Jakarta, ASEAN adopted Declaration on the Elimination of Violence against Women in the ASEAN Region.

Indonesia's Special Task Force on the Elimination of Trafficking in Women and Children has actively participated in national and ASEAN meetings concerning the elimination of exploitation of sexual commercial of children and women.

In 2007, the Government established a National Coordinating Agency for Placement and Protection of Indonesian Workers Overseas under Presidential Decree No. 8/2007.

## **PARTICIPATION IN PUBLIC LIFE AND DECISION MAKING**

14. **Despite the adoption of Law Number 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 the law.**

No legal sanction is imposed for non-compliance with the Law on General Elections. If there is such sanction, it most probably is a moral sanction rooted in the need for fairness by people who control political parties yet do not make any commitment to recruit women as members of political parties or provision for them to occupy parliamentary seats. This can be attributed to the loophole in the law itself which does not make use of the word '*compulsory*' relative to the legal requirement for women in politics to be assured of 30 per cent of party candidacy to contest elections and, subsequently, to take up parliamentary seats.

In order to ensure the 30 per cent allocation is respected, the State Ministry for Women Empowerment backed by non-governmental organizations, recently submitted a revision to the existing Law for Presidential consideration. Not only the revision of the Law on General Elections, but also the revision of Law on Political Party and Law on Organization and Status of the Members of Parliament.

The President himself has proposed improvements to those laws and regulations, particularly those dealing with the selection of candidates for political parties, participating in general elections. He has also called for an open electoral system based on proportional representation which would enable political parties to compile candidate lists resulting from popular support and not political patronage.



This proposal would enable more women candidates to be elected as representatives to the National Parliament.

Other strategies are being used:

- (1) to promote and strengthen networking amongst women organizations;
- (2) to increase the representation of women in the organizational structure of political parties;
- (3) to promote advocacy among leaders of political parties and their members so they share the need to enhance women's participation in politics and
- (4) to create access to the media;
- (5) to promote awareness and understanding of women's political needs and ambitions through education and training.

Simultaneously, the State Ministry for Women Empowerment has engaged in political education for the benefit of women organizations, academicians, members of political parties and officials of relevant government agencies, focusing on gender issues, citizenship and other substantive matters required to increase women's representation in the politics. This political education targeted potential women candidates and female members of parliament, both at the national and provincial levels. Indonesia has also developed IEC materials for the public and a National Plan of Action on the Increase of women's participation in politics.

15. **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 25, and their impact.**

There are three strategic measures that have been taken to increase the number of women in politics, namely:

- a. to engage in advocacy among decision makers in line ministries to act in accordance with gender equality and women empowerment concepts, as well as in line with the gender mainstreaming strategy;
- b. to disseminate information on gender equality concepts to non-governmental organizations and the private sectors;
- c. to educate women and improve their skills through trainings.

To be effective these measures have been taking in to account the sensitivity of socio-cultural norms and traditions, thus making them effective to achieve women's advancement.

Another strategy involves the mobilization of the Association of Public Officials that operates at the national and provincial levels. The Association's Division for Women Empowerment plays an active role in mentoring its general membership and in empowering female members through seminars on women empowerment and gender equality. Those engaging in advocacy also target heads of departments of line ministries, as part of the members of the Association.

The Ministry of Foreign Affairs has formulated a policy benefit both women (wives) and men (husbands) in the diplomatic service, each of whom will be posted and assigned to country nearby. Apart from that, the ministry has recruited more women to serve in the Ministry for the past three years. As a result, there are more women diplomats now in the Ministry.

## NATIONALITY

16. **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.**

In 2006, Act No. 12 Year 2006 on Citizenship was passed. This law replaced Act No. 62 Year 1958. There are two main differences distinguishing Act No. 12 Year 2006 from its predecessor:

- (a) an Indonesian woman who is married to a foreigner is given a three -years period in which to decide whether she would retain her citizenship or assume her husband's - previously, it was only one year - (Chapter 26 article (4)); and
- (b) any child born from that marriage is entitled to dual citizenship until he or she reaches the age of 18 years to decide either way - previously, the child would automatically assume his/her father's nationality - (Chapter 6).

Both chapters meet the requirement of article 9 of the Convention.

## EMPLOYMENT, POVERTY

17. **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 ILO 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 measures in place to enhance women's knowledge of the law and capacity to claim their rights.**

The State Ministry for Women Empowerment in cooperation with provincial governments, has conducted monitoring manufactures/factories that employ mostly women in order to determine the effectiveness of the regulation in stimulating efforts to promote women's human rights and protection. To bring about its effective implementation, during the commemoration of Indonesian Women's Day

in December, the President of the Republic of Indonesia presents an award to each employer who successfully complies with the Government Regulation and ILO Convention No.100 on Equal Remuneration for Men and Women Workers for Work of Equal Value.

In addition, gender sensitization trainings and advocacy are conducted by both the State Ministry for Women Empowerment and Ministry of Labor and Transmigration among employers, entrepreneurs, business people and workers to increase their awareness and understanding on women's human rights and gender issues.

Along with that activity, The State Ministry for Women Empowerment has prepared information to be disseminated by print and electronic media to all layers of society, including media workers themselves, in order to enhance their awareness and encourage their support for gender equality and women empowerment in the workplace.

The Ministry of Labor and Transmigration has conducted gender sensitization and gender analysis training for its officials. The Ministry has also disseminated information to stakeholders on the National Plan of Action on the Elimination of Violence against Women, developed gender indicators in the workplace and crafted a Manual on Equal Employment Opportunities and Treatment.

18. **The report recognizes that the Government has not been able to enforce provisions related to the rights 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 labor 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 Convention.**

In response to the ratification of ILO Convention No. 111, the Government has formulated policies and guidelines on Equal Employment Opportunities (EEO). At the moment, the Government is disseminating the policies to the different regions (provinces and districts/cities).

The Guidelines highlight, among others things, the responsibility of employers to ensure proper working conditions, which include adequate lighting, resting rooms, lockers, clean restroom facilities, housing and recreation facilities (for a manufacture with more than one thousand employees), the rights and obligations of employers and employees; recruitment and promotion, trainings and career development, retrenchment, social protection, complaints procedures and other related matters.

19. **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.**

Act No. 3 Year 1992 stipulates that both formal and informal workers are eligible to participate in the Social Security Scheme (Jamsostek). Presently, only formal workers have benefited from the Jamsostek scheme. The application of the scheme for informal workers is still the exploratory phase, with involvement of around 40.000 informal workers as participants.

20. **The report notes the inter-departmental working group for equality in the world of work is working with civil society organizations and others to synchronize legislation and regulation to improve women's access and opportunity to obtain social welfare support, bank loans and credits (paras 146/7). (a) Please provide information on the activities and impact of the inter-departmental working group. (b) 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 consents for night employment (para 116), which was noted with concern in the Committee's previous concluding comments (A/53/38/Rev.1, para 284 (b)).**
- (a) The inter-governmental working group functioned effectively until 2002. It successfully forged collaboration between the Government and other parties in the society (NGOs). Although there has been no evaluation on the impact of the working group, it is evident that it did make significant contributions to the formulation of gender mainstreaming programs in the society.
- (b) The Government has consistently supported policies aimed at protecting women workers. The Government has ratified ILO Conventions No. 100 and 111. While security condition is gradually being improved, the requirement for a woman to obtain her family's consent for night employment is primarily intended to ensure additional protection by women workers' family, in accordance with their rights and dignity.
21. **Please provide information, including sex-disaggregated data, on women's access to mortgages, bank loans and other forms of financial credit.**

To date, there are no sex-disaggregated data related to access to financing. However, since 2004 the Government has organized gender-responsive financial supports for the development of micro- and small-enterprises under the scheme of "bur den-for-all" in 30 provinces. The funds disbursed amount to Rp 7.5 million (around US\$840) per group.

22. **The report recognizes that women and children suffered more than 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 (A/53/38/ Rev.1, paras 281 and 302). Please also provide information on the impact of the implementation of such policies on poverty levels among women, particularly rural women.**

The National Strategy for Poverty Alleviation (SNPK), formulated in 2005, consists of a strategy and an action plan to accelerate the achievement of poverty-alleviating goals. SNPK has been incorporated into the Presidential Regulation No. 7 Year 2005 on RPJMN 2004-2009, and being integrated annually into the Government Work Plan (RKP) along with its budget allocation. The gender mainstreaming strategy, which is one of the mainstream principles in development, has been incorporated into RKP (spanning the years 2006 to 2008).

Incorporation of gender mainstreaming strategy into RPJMN and RKP can be observed in several development areas, for instance, education, health, labor, and law, as well as in poverty alleviation.

The government's poverty-alleviation effort revolves around four main steps, namely:

- (a) endorsement of pro-poor growth;
- (b) improvement and expansion of the scope of community-based development programs;
- (c) increase in access of the poor to basic public services, such as clean water and sanitation, with special attention being given to remote and isolated areas, including the furthest isle; and
- (d) development and improvement of the social protection system for the poor.

To elaborate on the Government's efforts to provide social protection to the poor, the aim is to shield them from the possible economic injury resulting from social and economic shock. One of the priority areas is to increase protection for poor families, including women and children, through improved access to information and service thus building social resilience and family empowerment, and also through the establishment of comprehensive service centers for the empowerment of women and children (P2TP2A). All these activities are expected to provide protection for women, improve their quality of life, and empower them.

Furthermore, another related priority area aims to provide social assistance for poor households (Rumah Tangga Sangat Miskin) through the Program of Hopeful Family (Program Keluarga Harapan). Intended beneficiaries of PKH are pregnant/lactating mothers and children between the ages of 0 to 15 years who belonged to RTSM. To be involved in the program, pregnant mothers must have their pregnancy checked, and under-5 year child must fulfill the universal health protocol, such as vaccination and weight requirements. Other requirements relate to education. These necessitate that children aged 6-15 years should be enrolled in school and have 85 per cent minimum attendance. By satisfying these conditions, it is expected that the health and education quality of women and children will improve in the long run.

Poverty alleviation efforts are conducted between different development fields, areas, and institutions. Several development undertakings have not been successful enough in reducing the number of poor in Indonesia. Based on available data, the number of poor in Indonesia in 2004 numbered about 36.1 million people. A small reduction was observed in 2005 when the poor decreased in number to 35.1 million people. Most of the poor are in rural areas (24.8 million people in 2004 and 22.7 million people in 2005).

Looking at the social-demography characteristics of the households, especially those headed by women, it appears that the percentage of women heading poor household, serving as breadwinner, attained 12.34 per cent, while in non-poor households the figure was 12.61 per cent in 2005. Moreover, in urban areas the percentage of household headed by woman tended to be higher (15.26 per cent) in comparison to rural area (11.0 per cent). Such condition applies to both poor and non-poor households.

Looking at the *head count index*, households headed by woman nationally amounted to about 12.77 per cent, these households being categorized as poor. In urban area, the percentage reached 10.27 per cent and 15.10 per cent in rural area (please see the attached table).

When these data are correlated with the efforts to achieve the Millennium Development Goals (MDGs), a strong correlation may be observed regarding efforts to improve children's quality of life, the rate of which may be measured by means of the *Gender-related Development Index* (GDI) and *Gender Empowerment Measurement* (GEM) among others. GDI Indonesia, calculated from variables of education, health, and economy, improved from 0.639 in 2004 to 0.651 in 2005. GEM Indonesia, which can be calculated from variables of women's participation in the fields of economics, politics, and decision-making, also showed an increase from 0.597 in 2004 to 0.613 in 2005.

There are many successful examples demonstrating the empowerment of women in several fields of development. Some can be found in health. For instance, the maternal mortality rate has decreased – though the number is still high – to 307 per 100.000 live births in 2002 -2003. If correlated with the MDGs, more critical efforts will need to be made in this regard, and special attention must be given to pregnant/breastfeeding mothers from poor households, especially those who live in rural areas.

Labor Force Participation Rate of women shows an increase from 50.6 per cent in 2005 to 51.4 per cent in 2006. A number of labor protection policies have been revised, including those regarding labor overseas worker (most of whom are women with relatively low education).

While in the field of education, the MDGs target is to guarantee that all children, whoever they are, both male and female, complete their basic education, by 2015. Since Indonesia achieved the six -year basic education with Gross Enrollment Rate (GER) exceeding 100 per cent, it took the decision to increase the time-span of the program to nine which allows it to be synchronized with the targets of the Nine-Years Compulsory Basic Education Program. Basic education covers primary school and madrasah ibtidaiyah (SD/MI), secondary high school and madrasah tsanawiyah (SMP/MTs), and other forms of schooling of similar level. GER of SMP/MTs/similar level within one decade has increased from 65.7 per cent in 1995 into 88.68 per cent in 2006. Meanwhile, the gender gap was decreasing. While in 1995, the ratio of girls GER against boys GER at SMP/MTs/similar level reached 97.9 per cent in 2006 the ratio rose to 101.6 per cent. Improving the educational level of the women is expected to help improve their quality of life. Since improvement of education level has impacted the improvement of other development indicators, such as maternal mortality rate, infant mortality rate, total fertility rate, and so on, the achievement of MDGs educational target is expected to make a significant contribution to the achievement of other fields.

## HEALTH

23. **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 of abortions, especially among adolescents. In particular elaborate of the ability and accessibility of age-appropriate sex education, and family planning information and a range of contraceptive methods.**

Measures have been taken to address the issue of unwanted pregnancy and of abortions. Promoting reproductive health has been the main vehicles in building awareness about the effects of unsafe abortions. Reproductive health has been woven into the formal education curriculum, even though its effectiveness remains restricted because of the limited knowledge of teachers. Another effort includes education on delaying the marriage, especially by women, until appropriate age for such is attained. Increased school enrollment has, however, indirectly reduced the possibility of early marriage.

The family planning program has been facing enormous challenges recently because its foothold at the district level has weakened, due partly to decentralization. This circumstance severely limits the contraceptive prevalence rate. In dealing this situation, the Indonesian Coordinating Agency for Family Planning in its Strategic Planning 2004 -2009 focused its programs on (i) continuing to sustained awareness-raising among local authorities, as well as community and religious leaders on the importance of demography and family planning, (ii) building partnership among relevant stakeholders, (iii) stimulate community -based programs, and (iv) developing a qualified family -planning program as a basis for a sound demographic policy.

**24. 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?**

As of December 31, 2006, 8,194 accumulated AIDS cases have been reported from 32 provinces consisting of 169 districts. From this figure, the ratio of AIDS cases of women to men has been set at 5.12 to 1. The national prevalence of AIDS in 2006 was calculated at 3.61 per 100.000 populations or less than 0.1%.

Great efforts have been made and significant resources have been invested to combat the prevalence and spread of HIV/AIDS. So far the national prevalence of HIV/AIDS among general population is still below 0.1%. However, in some areas such as Papua and among (such as drug users and sex workers) the tendency for increased HIV/AIDS cases is great.

The National AIDS Commission (NAC) was established last year. According to the Presidential Regulation No. 75/2006, the Commission aims at scaling -up the response to the AIDS epidemic intensively, and comprehensively, in a coordinated manner. The Commission's programs focus on (i) outreach to high risk groups including injecting -drug users and sex workers; (ii) minimizing drug and sexual-transmissions-related new cases; and (iii) special coverage to 19 most HIV -prevalence provinces, including in Papua. A National Action Plan 2007 - 2010 is being finalized to include these comprehensive measures.

25. **The report shows that maternal mortality rate Indonesia is the highest amongst ASEAN 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, rural, and hinterland women.**

Aware of the urgency to achieve a meaningful reduction of maternal mortality, increased resources have been put in place as a response to the challenge. They include deployment of health workers (especially village midwives), provision of free access to antenatal and delivery services for the poor, and improvement of basic health and obstetric emergency facilities. In 2008 alone, Ministry of Health plans to deploy 28.000 village midwives and train 58.000 health cadres.

To increase women's access to antenatal and delivery services, a health insurance mechanism, adopted since 2005, will be utilized to help at least 60 million poor women (including pregnant women), giving them free access to health services. In the mean time, a cash transfer scheme is underway to reward women who make use of health services. Under this scheme, a mother must check her pregnancy regularly and have her delivery attended by health personnel for cash eligibility. In addition, improvement of basic health services is the main priority of health development until 2009 several projects have even been re-focused to improve basic health services facilities.

## **MARRIAGE AND FAMILY RELATIONS**

26. **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 (A/53/38/Rev.1, para.284 (a)). 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 and article 16 of the Convention on the Elimination of All Forms of Discrimination against Women, and the Committee's general recommendation 21, and whether a timetable has been established for enacting such an amendment.**

The State Ministry for Women Empowerment, supported by non-governmental organizations, has proposed revisions to Law, focusing on the age of marriage, polygamy, marriage based on different religious beliefs, as well as the status and roles of husband and wife. This change is still being discussed with relevant parties. The 2005 – 2009 National Legislative Program, has the revision of the Law on Marriage as part of its agenda.

Simultaneously, the State Ministry for Women Empowerment has vigorously convinced parents to let their children, boys and girls alike, stay in school, at least until the Nine –twelve Year Compulsory Education program has been completed. The Ministry has also made use of other laws to discourage early marriage, such as the amendment of the Constitution, Law Number 39/1999, in particular article 51 on equal rights and obligations of wives and husbands in marriage, Law Number 7/1984 on the ratification of the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of all Forms of Violence against Women.



In particular, the State Ministry has disseminated information to all segments of society on the Child Protection Law with special emphasis on their rights to education, health and recreation, and social and legal protection. In this law, the child defines as someone who is less than 18 years of age. With the circulation of this Law on Child Protection, it is hoped that many parents will not permit their children to marry below 18 years of age, as stipulated in the Law on Marriage. The State Ministry for Women Empowerment has also intensified advocacy and dissemination of information on gender equality and women empowerment concepts to all stakeholders.

In this regard, another noteworthy effort is a campaign by Ministry of National Education on Compulsory Nine Year Education to boys and girls and acceleration of the program to combat illiteracy in women.

27. **The report recognizes that child marriages (by person 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 Number 23 of 2002 on Child Protection 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 -old- to marry (para.160f).**

Child marriage in certain areas is still prevalent for various reasons. The most significant reason is the prevailing socio-cultural norms of society which encourage the belief that marriage at a later age amounts to shameful conduct and therefore should be prevented. Another reason could be the poverty of the family. The belief that once the girl children are married, their husband will take care of them. There are four strengthened measures currently being implemented, (i) intensive campaigns on Child Protection Law; (ii) income generation and training program for poor families and young girls; (iii) Compulsory Nine-year Education; and (iv) Indonesian Commission for Child Protection. To minimize this, the State Ministry for Women Empowerment has conducted intensive campaigns highlighting the Law on Child Protection to all government agencies at the national and provincial levels, to religious and community leaders, to women's organizations, non-governmental organizations and to the community at large.

The Ministry also supports income generation by poor families through cooperation with line ministries, banking institution, technology development and marketing institutions. Training centers and courses have also been set up by the government and community to encourage young girls and women to increase their skills and knowledge. Many women and young girls have availed themselves of the facilities and, as a result, have managed to empower themselves substantially by setting up their own small and micro businesses or by doing so jointly with their colleagues and friends. Indonesian Business Women Association has taken active part in providing training facilities and mediating banking and non-banking institutions for the career development of women.

The Ministry of National Education has established Compulsory Nine -Year Education as one of the national education priorities. It aims in 2008 – 2009 to achieve equal access for boys and girls to education at primary, junior and secondary levels. The goal is 100 per cent of children aged 7 to

12 years, 94 per cent of children aged 13 to 15 years and 66 per cent of children aged 16 to 18 years. This is being done at a time when student enrolment has been increasing from year to year.

Over the last three years, indicators for enrolment and participation at all three levels have consistently increased. The gross enrolment ratios (GER) at junior and senior secondary levels have increased from 77.1 per cent and 46.7 per cent in 2004 to 80.4 per cent and 51.5 per cent in 2005. However the net enrolment ratios (NER) at junior and secondary levels are still low (61.7 per cent and 41.9 per cent respectively in 2004). Greater efforts are needed to increase enrolment at these levels.

To enable the Government to implement the Child Protection Law effectively, apart from the role of the State Minister for Women Empowerment, the Government has also established, through Presidential Decree No. 77 of 2003, the Indonesian Commission for Child Protection or KPAI. The KPAI is responsible for advocating that all relevant legislation enacted should be in line with the Law. The KPAI is also occupied solving problems faced by the community related to child welfare and protection, conducting research, monitoring and evaluating the implementation of the Law by stakeholders. To achieve national impact, the KPAI has created branches at the national and provincial levels. Other efforts by KPAI to fulfill its mandate over the past two years include:

- (a) developing infrastructures for prosecution and services such as trauma centers, special rooms for children and women in police stations at provincial and district level; hospital-based and community-based crisis centers; and
- (b) increasing coordination and collaboration with stakeholders.

**28. The report notes that the conclusion to the critical review of Marriage Law No. 1 of 1974, which has been going on since the ratification of the CEDAW, recommended revision to the Law based on the fact that some of the articles are discriminatory to women, particularly with regard to household responsibilities and polygamy (para.161). Please indicate the steps taken to implement these recommendations and to amend the Law, as called for in the Committee's previous concluding comments (A/53/38/Rev.1., para 307).**

Please refer to the response no. 26 above

**29. 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 (A/60/38). Where 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.**

Following the tsunami disaster in December 2004, the State Minister for Women Empowerment, together with the Provincial Women Empowerment local body in Aceh, supported by international

donors, actively participated to rescue efforts and facilitated the satisfaction of the needs of women and children during the emergency, rehabilitation and reconstruction phases.

### Emergency, Rehabilitation and Reconstruction Phases

Ensure gender-sensitive distribution plan of aids, sensitize decision-makers, religious leaders and community leaders about gender sensitivity, training on gender mainstreaming for developer and stakeholders in charge of rehabilitation and reconstruction, mainstreaming gender into the planning process (in the most strategic sectors such as education, health, water and sanitation, transportation, the economy, telecommunication and social and religious activities) and gender budgeting.

#### Emergency Phase

Collection of data on victims and survivors in particular women and children (among others sex-disaggregated data on IDPs, sex-disaggregated data on victims, number of pregnant women, number of women going into labor; number of women-headed household, number of female youth, number of separated children, type of their business, number of women with disability and so on).

Revitalization of women empowerment unit at provincial and district levels (through technical assistance and the provision of back up human resources), office facilities support, capacity building, humanitarian incentives (house and transportation, in partnership with UN agencies, international and local NGOs), setting up of trauma centers to assist the survivors (through the provision of psychological, general support services, counseling, support for public health centers, support for mental health clinics, women crisis centers or shelters, revitalization and preservation of social/community wisdom, community organizing), family reunion program (identification of children who lost their families; relocation and media support), gender-based violence prevention and management (establishment of advocacy team, provision of education and training, public campaigning, outreach programs for men who involved in abusive situations, anger management for potential violent persons, psychosocial support for victims, counseling, support mental health clinic and so on).

Labor intensive programs for women (life skills training, open job opportunities, mass labor intensive projects and humanitarian incentives for women who have babies/small children); Women Support Centers (economic centers for development, life skills training, emotional support), legal support to protect women's property and rights (advocacy for and support to identify ID cards, birth certificate etc), advocacy for land ownership for women), child protection (foster family care, needs assessment, investigation and database development), child healthcare (investigation, needs assessment, database development, evacuation for seriously injured), healthcare support and nutrition and meal support.

#### Rehabilitation Phase

Economic recovery designed for women (needs assessment, identification and establishment of collective target group), training on management and community organizing, training on finance and administration; training on small and medium enterprises, provision of capital incentives, availability

of facilitators and community organizing, Gender Advocacy team (assistance with job description, identification of advocacy core team, budgeting, public campaigning; affirmative action, as needed, legal support on women's property (needs assessment, investigation, advocacy on behalf of clients by providing advocate team, provision of notaries and NGOs support ), Labor Intensive Program (needs assessment, training, capital incentive, labor intensive public works), Partnership, Child Protection (foster family, family reunion, child protection outside of the IDPs camps and child healthcare) and Gender mainstreaming .

### Reconstruction Phase

Women support facilities for reconstruction (Women Empowerment unit office in province and districts, other vital offices related with women empowerment for instance, women support centre, family empowerment program, women economic centre, Integrated Health Posts and so on), gender mainstreaming; revitalization of women support facilities (religious and social activities, women empowerment activities such as economic empowerment groups), revitalization of local NGOs that were affected by tsunami and the availability of technical assistant, and the provision of IEC materials.

The impact of the programs and activities has been positive. Women can be healed in the long run from their traumatic experience. Their economy developed. They can be empowered and their self-confidence in managing their lives and those of their children developed, as they gain greater access to education.

### OPTIONAL PROTOCOL AND AMENDMENT TO ARTICLE 20, PARAGRAPH 1

**30. 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, accession to, the Optional protocol. Please also indicate any progress made toward acceptance of the amendment to article 20, paragraph 1 of the Convention.**

At present, Indonesia is still studying the possibility of ratifying of or accession to the Optional Protocol. During the adoption of the resolution A/RES/60/230 which relevant to the amendment to article 20, paragraph 1 of the Convention, Indonesia indicated her support to the resolution.

Note by the Secretariat: Annexes to the report will be made available to the Committee in the language in which they were received.