List of issues in relation to the eighth periodic report of Indonesia

Visibility of the Convention and its Optional Protocol

1. In the light of the Committee’s previous concluding observations (CEDAW/C/IND/CO 6-7, para. 12), please specify the measures taken to raise awareness among women, including disadvantaged groups of women, about their rights under the Convention and about the complaints procedure under the Optional Protocol. Please also specify measures taken to provide systematic capacity-building or regular training to judicial personnel on the application of the Convention and the interpretation of national legislation in the light of the Convention.

Impact of COVID-19 on women’s rights and gender equality

2. Please indicate the measures implemented by the State party in the context of the COVID-19 pandemic to redress long-standing inequalities between women and men by placing women at the centre of recovery as an economic diversification strategy; meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups, women in conflict or other humanitarian situations; and ensure that confinement either partial or total and post-crisis recovery plans do not relegate women and girls to stereotyped gender roles. Please indicate the measures in place to ensure that all COVID-19 crisis response and recovery efforts (a) effectively address and seek to prevent gender-based violence against women and girls; (b) guarantee women’s and girls’ equal participation in political and public life, decision making, economic empowerment and service delivery; and (c) seek to ensure that women and girls benefit equally from stimulus packages including financial support for unpaid care roles, that aim at mitigating the socio-economic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the COVID-19 pandemic, such as restrictions on freedom of movement or physical distancing, do not limit access by women and girls, including those from disadvantaged and marginalized groups, to justice, shelters, education, employment and health care, including sexual and reproductive health services.

Constitutional and legislative framework

3. According to paragraph 31 of the State party’s report (CEDAW/C/IND/8), new legislation and a policy framework has been issued to promote women’s empowerment and protect the rights of women and girls. In accordance with the State party’s obligations under articles 1 and 2 of the Convention and in line with Sustainable Development Goal 5, target
5.1, to end all forms of discrimination against all women and girls everywhere, please indicate whether any measures have been taken or are envisaged, to amend the Constitution and to adopt national legislation, to incorporate the principle of equality of women and men and define and prohibit all forms of discrimination against women, including direct, indirect, formal and substantive discrimination by State and non-State actors, and in public and private spheres. Please clarify whether a law on gender equality was adopted which fully conforms with and implements the State party’s obligations under the Convention, as recommended by the Committee in its previous concluding observation (CEDAW/C/IND/CO 6-7, para 19)).

Please also provide information on any instances in which the Convention has been invoked by individuals or directly applied or referred to in court proceedings in the State party.

4. According to paragraph 65, the government continues to identify, take stock and review national as well as sub-national laws and regulations with a view to ensuring the harmonization of all laws with internationally recognized human rights principles. Please explain steps taken to implement the Committee’s recommendation (CEDAW/C/IND/CO 6-7, para 18 (a) and (b)), to repeal, within a clear time frame, all discriminatory laws against women, and to amend all discriminatory by-laws adopted at the provincial level, including those in the province of Aceh and certain districts, which restrict women’s rights. Please also explain, how the recommendations provided by the Ministry of Home Affairs to revoke or to amend those regulations which are not in conformity with the national laws, regulations and universally recognized human rights principles, as referred to in paragraph 61 (a), have contributed to revoking or amending laws and policies that discriminate against women. Please explain any measures taken to ensure that the draft Criminal Code does not discriminate against women.

National Machinery for the Advancement of Women

5. According to paragraph 23, the Ministry of Women Empowerment and Child Protection, whose budget and human resource capacities have more than doubled between 2014 and 2018, has developed its responsibility not only to promote women’s empowerment but also child protection. Please specify the human, financial and technical resources allocated at the national, regional and local levels to achieve gender equality and women’s empowerment. Please clarify whether the State party intends to establish a permanent governmental body responsible specifically for women’s rights, gender equality and women’s empowerment. Please also clarify whether the state party has established a gender policy, as recommended by the Committee in its previous concluding observations (CEDAW/C/IND/CO 6-7, para 20 (c)).

National human rights institution

6. Please provide information on the mandate of the National Commission on Human Rights (Komnas HAM) as it relates to women’s rights, and on its human, technical and financial resources.

Temporary Special Measures

7. According to paragraph 120 (a), Law No. 8/2012 on Elections and Law No.2/2011 on Political Parties stipulates that all political parties must include at least 30 per cent of women representation in their list of candidates. In the light of the Committee’s previous concluding observations (CEDAW/IND/CO/CO 6-7, para. 32), please specify the measures taken to introduce and implement a 30 per cent quota of women candidates to the general elections of the House of Representatives, the provincial and regency houses of representatives as well as local government in the Provinces of Papua and West Papua. Please also specify measures taken to ensure implementation of Law No. 6/2014 in villages which guarantees women to nominate and be nominated as village heads and being a member of the village legislative bodies. Please also clarify whether gender parity systems for appointments and accelerated recruitment of women in senior positions have been introduced.
Stereotypes and harmful practices

8. In its previous concluding observations (CEDAW/C/IND/CO 6-7, para. 23), the Committee noted that it remains deeply concerned at the persistence of adverse cultural norms, practices, traditions, patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in the family and in society. Please explain any legal and policy measures put in place to prohibit harmful practices, such as all forms of female genital mutilation (FGM), child marriage, arranged marriage and polygamy, including by adopting the 2030 Roadmap and National Action Plan on the Prevention of Female Genital Mutilation, and clarify whether the Ministry of Health Regulation No. 6/2014 on Female Circumcision prohibits the performance of any type of FGM, including such performed in maternal clinics. Please explain the steps taken to put in place a comprehensive strategy with a results-oriented approach to eliminate harmful practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention, as recommended by the Committee in its previous concluding observation (CEDAW/IND/CO/CO 6-7, para. 24). Please indicate the steps taken to stop so called “virginity testing”, including such imposed by the national police and military forces when recruiting young women.

Gender-based violence against women

9. In the light of the Committee’s previous concluding observations (CEDAW/C/IND/CO 6-7, para. 26), please indicate the steps taken to train the judiciary, including judges of religious courts, prosecutors, lawyers and medical personnel, on standardized and gender-sensitive procedures for assisting victims and effectively investigating their complaints. Please explain any measures put in place to prosecute all acts of domestic and sexual violence against women and girls, punish perpetrators and adequately compensate victims. Please also indicate any steps taken to establish a monitoring mechanism, to ensure the enforcement of Law No. 23/2004 on domestic violence; to amend the Criminal Code and Law No. 23/2004 on domestic violence, by defining and criminalizing marital rape; to ensure that the implementation of Law No. 23/2004 on domestic violence does not criminalize the victims; to prevent, prosecute and punish all forms of gender-based violence against women, including sexual violence, and to adopt the Anti-Sexual Violence Bill.

10. According to paragraph 69, Indonesia has established integrated service centres to provide a mechanism for prevention, protection, promotion, rehabilitation and reintegration of victims of violence, as well as coordination among stakeholders and the national task force on Trafficking in Persons. Please specify the number of such service centres at the local levels, and the human, financial and technical resources made available to these centres. Please explain any measures taken to ensure that such centres operate in rural areas, including West Papua. Please also specify any measures taken to ensure that asylum-seekers, refugees and stateless women and girls without state-issued temporary or permanent stay permit or a national identity document are able to access such centres.

Trafficking and exploitation of prostitution

11. In the light of the Committee’s previous concluding observations ((CEDAW/C/IND/CO 6-7, para. 30), please specify the measures taken to investigate, prosecute and punish traffickers; to ensure the effective enforcement of law No. 21/2007, on the eradication of the crime of trafficking in persons, and the implementation of the National Plan of Action for the Elimination of Trafficking in Women and Children; and to increase the budget allocated to the Plan. Please explain how the State party has increased international, regional and bilateral cooperation with countries of origin, transit and destination, to prevent trafficking through information exchange and to harmonize legal procedures aimed at the prosecution and punishment of traffickers. Please also specify measures taken to strengthen data collection and establish appropriate mechanisms aimed at early identification and referral of, and assistance and support for victims of trafficking, including women migrant workers, and to provide them with remedies.
Human Rights Defenders

12. Please indicate whether protection mechanisms are in place to address allegations of intimidation, harassment and violence against women human rights defenders. Please specify steps taken to investigate such acts and prosecute the perpetrators.

Gender-based violence against women in conflict and post-conflict situations

13. In the light of the Committee’s previous concluding observations ((CEDAW/C/IND/CO 6-7, para.28), please provide information on steps taken to promptly investigate, prosecute and punish all acts of conflict-related to gender-based and sexual violence against women, including such committed by security forces against indigenous women and in the Provinces of Papua and West Papua, and to provide full and effective reparation, medical and psychological support as well as counselling to all victims. Please specify the number and type of such cases received and investigated by the Attorney General Office, and the outcome of such investigations. Please explain measures taken to establish truth and reconciliation commissions and human rights courts at the local level, and specify the number and outcomes of the complaints related to gender-based violence against women and girls in conflict and post-conflict situations received by Truth and Reconciliation Commissions.

14. Please explain measures taken to adopt laws and policies to ensure the protection of women and girls from conflict-related gender-based violence, and implement existing laws and policies at the national and local level, including Perdasus No.1/2011 on the Rehabilitation of Women Victims of Human Rights Violations. Please provide data on the number of women who are victims of conflict-related gender-based violence, disaggregated by race, ethnicity, age, disability, nationality, geographic location, socioeconomic status, and any other relevant factors. Please provide data on the number of prosecutions that have taken place, the convictions secured, the sentences handed down, the nature of remedies provided to the victims and the services provided for their rehabilitation.

Nationality

15. In the light of the Committee’s previous concluding observations ((CEDAW/C/IND/CO 6-7, para.34), please clarify which measures have been taken to ensure the effective implementation of Law No. 23/2006, on population administration, which provides that the issuance of the birth certificate should be free of charge.

Education

16. Reports before the Committee indicate that girls and young women run a high risk of sexual violence in education institutions carried out by teachers and religious figures. In that context, please provide information on the collection of data on sexual violence against girls and young women in education, the development of legal and institutional responses to combat sexual violence in schools and higher education institutions and the establishment and coordination of structures assisting survivors of sexual violence. Please report on the measures taken by the State party to ensure inclusive education for women and girls with disabilities.

17. Paragraph 145 refers to the State parties’ efforts to develop vocational training programmes. Please specify the measures taken to ensure that girls and young women benefit equally from technical and vocational training, are able to acquire income-generating skills and pursue careers in traditionally male-dominated sectors, such as in services, trade and innovative sectors. Please provide data on enrolment in vocational training, disaggregated by sex, age, sector and geographic location. Please also provide data on enrolment in primary, secondary and tertiary education and drop-out rates, disaggregated by sex, race, ethnicity, age, disability, nationality, socioeconomic status, geographic location and any other relevant factors.
Employment

18. Please explain any measures taken to ensure that changes to labour law through the Omnibus Bill do not discriminate against women. Please provide comprehensive data on women employed as daily labourers, including in the palm oil sector, and specify measures taken to provide them with access to permanent employment and fair and equal wages, social security and benefits, including health insurance, pension and maternity leave. Please also provide data on women’s access to entrepreneurship, literacy training in financial management, investment and credit, disaggregated by age, geographic location and socio-economic background. Please specify any measures to address the economic marginalization of indigenous women traders, to provide women, including indigenous women and women in Papua and West Papua, with access to markets and to ensure that marketplaces are safe, affordable and respond to the needs of women.

19. In the light of the Committee’s previous concluding observations (CEDAW/C/IND/CO 6-7, para. 38 (a-f)), please indicate the steps taken to protect women domestic workers, including by conducting awareness raising campaigns on the situation of girls performing domestic work and their rights, supporting unions working with domestic workers and strengthening labour-inspection mechanisms, developing support services for domestic workers who are victims of abuse and eradicating domestic child labour. Please explain any steps taken to ratify ILO Convention No. 189, 2011 on domestic workers, to adopt, regulate and implement laws to ensure the protection of women domestic workers, including women migrant domestic workers, and to prevent, prosecute and punish gender-based violence and harassment against them in the world of work.

Climate change and disaster risk reduction

20. Please provide details on the measures taken to guarantee indigenous, rural and poor women’s rights in the context of large-scale development projects, exploitation of natural resources, deforestation and agricultural expansion, including their right to life, health, food, potable water, sanitation and development, and to protect their access to land and resources. Please specify any measures taken to ensure that the implementation of the Presidential Decree No. 88/2017 on settlement of Land Ownership in Forestry Area by the Ministry of Environment and Forestry and by other ministries and institutions guarantees the right of rural and poor women to access land and natural resources, as well as the collective right of indigenous women and their communities to control and use their traditional lands, in full respect of their collective identities and cultural heritage. Please specify any measures taken to ensure the participation of indigenous, rural and poor women in decision-making processes related to climate change, land- and resource management.

Health

21. According to paragraph 173, efforts to reduce maternal mortality are implemented by expanding access to maternal health services. Please explain any steps taken to ensure the expansion of access to sexual and reproductive health services, including maternal health services in rural areas, including in Papua, where maternal mortality is disproportionately high. Please explain steps taken to prevent maternal mortality of pregnant women, women who are giving birth or those going through the postpartum bleeding at health facilities and hospitals, where 77 percent of those deaths occurred, according to data by the Ministry of Health from 2016. Please outline on the efforts made by the State party to legalize abortion at least in case of rape, incest, threats to the life or health of the pregnant woman or severe foetal impairment and decriminalize it in all other cases. Please indicate steps taken to combat the HIV/AIDS pandemic in the Provinces of Papua and West Papua, and to ensure that women living with HIV/AIDS are not discriminated against and are provided with assistance. Please report on the availability of community-based mental health services for women and girls. Please elaborate on the accessibility of health services for women and girls with disabilities, and report on any measures taken to ensure that the right to free and informed consent is guaranteed for all women and for all medical treatments.
Disadvantaged groups of women

22. In the light of the Committee’s previous concluding observations ((CEDAW/C/IND/CO 6-7, para. 45), please explain how the Blueprint for Corrections Service Reform, referred to under paragraph 207 of the State party’s report, improves the conditions of women in detention facilities, in particular by addressing the overcrowding in prisons; the lack of adequate and free of charge health services and facilities, in particular for pregnant women, and difficulties faced by women to file reports of misconduct against police officers. Please also explain how Law No. 5/1960 and Law No. 7/1989 referred to under paragraph 201 (b) on religious court ensure women’s equal access to land and productive resources, and provide data disaggregated by age, geographic location and socio-economic background, on the number of women who have benefited from the development of remote areas and community initiatives conducted by the Ministry of Village Development of Disadvantaged Areas and Transmigration referred to under paragraph 200 (e). Please specify measures taken to ensure that disadvantaged groups of women and girls, such as refugee, asylum seeking and internally displaced women and their families, women and girls without identity cards, poor women and girls, women and girls affected by leprosy, indigenous, Papuan women and girls living with HIV/AIDS, women and girls with disabilities and minority women and girls, have access to education, health, including sexual and reproductive health, basic services, housing, food, employment and identity cards, and to prevent and end gender-based violence against them, including sexual violence.

Marriage and family relations

23. In the light of the Committee’s previous concluding observations ((CEDAW/C/IND/CO 6-7, para. 47), please indicate any steps taken to eliminate all discrimination against women in the areas of marriage and family relations, including by developing an effective strategy with clear priorities and timelines to eliminate all discrimination against women in the areas of marriage and family relations; repealing the discriminatory laws adopted in Aceh province that severely discriminate against women in family relations; undertaking awareness-raising activities throughout the country on the negative effects of child marriage for girls, with a view to eliminating the practice; and reviewing the provisions of the Marriage Act of 1974 as well as all provisions relating to family life that are discriminatory against women, to bring them in line with the Convention and ensure that the legal provisions: (i) prohibit polygamy; (ii) set the minimum age of marriage for women and men at 18 years; (iii) exclude differences on the role of men and women in the household; (iv) provide protection to women undertaking inter-religious marriage, (v) guarantee equal inheritance rights to women as daughters and as spouses; and (vi) include the option of availing civil marriages to all women.