



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the eighth periodic report of Indonesia\*

1. The Committee considered the eighth periodic report of Indonesia (CEDAW/C/IDN/8) at its 1827th and 1829th meetings (CEDAW/C/SR.1827 and CEDAW/C/SR.1829), held on 28 and 29 October 2021. The list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/IDN/Q/8, and the responses of Indonesia are contained in CEDAW/C/IDN/RQ/8.

#### A. Introduction

2. The Committee appreciates the submission by the State party of its eighth periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group. It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister for Women's Empowerment and Child Protection, I Gusti Ayu Bintang Darmawati, and included representatives of the Ministry of Women's Empowerment and Child Protection; the Ministry for Human Development and Cultural Affairs; the Ministry of Education, Culture, Research and Technology; the Ministry of Law and Human Rights; the Ministry of Home Affairs; the Ministry of National Development Planning; the Ministry of Foreign Affairs; the Ministry of Finance; the Ministry of Social Affairs; the Ministry of Health; the Ministry of Labour; the National Statistic Agency; the Ministry of Religion; the Ministry of Communication and Information Technology; the Coordinating Ministry for Political, Legal and Security Affairs; the Coordinating Ministry for Human Development and Cultural Affairs; the National Population and Family Planning Agency; the Indonesian National Armed Forces; the Indonesian National Police; the National Task Force for Coronavirus Disease (COVID-19) Response; the Supreme Court; the provincial government of Papua; the provincial government of West Papua; the provincial government of Aceh; and the Permanent Mission of Indonesia to the United Nations Office and other international organizations in Geneva.

\* Adopted by the Committee at its eightieth session (18 October to 12 November 2021).



## B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2012 of the State party's previous reports in undertaking legislative reforms, in particular the adoption of the following:

(a) Law No. 8/2016 on persons with disabilities, which protects persons with disabilities, including women and children;

(b) Law No. 24/2013 on civil administration, under which civil documents such as birth and marriage certificates are available free of charge.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the following:

(a) The development of a grand design for increasing women's representation in the legislative assembly for the period 2020–2030, in 2020;

(b) The administration of gender mainstreaming awareness programmes through Serempak (a community-based interactive digital programme to disseminate information on women's empowerment) and Setara (a social movement programme aimed at building community awareness on women's empowerment) from 2015 to 2018;

(c) The launch of a flagship "three ends" programme, which is focused on ending gender-based violence against women and children, human trafficking and barriers to economic justice for women, in 2016.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

(a) Association of Southeast Asian Nations Convention against Trafficking in Persons, Especially Women and Children, in 2017;

(b) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2012;

(c) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2012.

## C. Sustainable Development Goals

**7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.**

## D. Parliament

8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the People's Consultative Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

## E. Principal areas of concern and recommendations

### General context

9. The Committee commends the State party's efforts to mitigate the impact of the COVID-19 pandemic on women, including the establishment of the Family Hope Programme and the Staple Food Programme. However, the Committee notes with concern that these programmes have not covered many of the women in need. The Committee is concerned about the heightened risk of gender-based violence and compounded, intersecting forms of discrimination faced by women and girls in the context of the ongoing COVID-19 pandemic, especially for disadvantaged and marginalized groups of women across the State party, including the provinces of Papua and West Papua. The Committee is further concerned about the limited data on women's equal representation, meaningful participation and leadership in the formulation of COVID-19 response and recovery strategies.

10. **In line with its guidance note on the obligations of States parties to the Convention in the context of COVID-19, issued on 22 April 2020, the Committee recommends that the State party:**

(a) **Redress long-standing inequalities between women and men by placing women and girls at the centre of strategies for recovery from the COVID-19 pandemic, in accordance with the 2030 Agenda for Sustainable Development, paying particular attention to women and girls belonging to disadvantaged and marginalized groups;**

(b) **Review its strategies to ensure that all COVID-19 crisis response and recovery efforts, including the State party's emergency measures, are aimed at effectively preventing gender-based violence and discrimination against women and girls; guaranteeing the equal participation of women and girls in political and public life and in decision-making in the context of the recovery, economic empowerment and service delivery; and ensuring that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic;**

(c) **Ensure that measures taken to contain the pandemic do not limit the access of women and girls, including those belonging to disadvantaged and marginalized groups, to justice, protection from gender-based violence and discrimination, education, employment and health care, including sexual and reproductive health services.**

### **Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations**

11. The Committee appreciates the efforts undertaken by the State party at the national and local levels to raise public awareness of women's rights. However, it remains concerned that capacity-building for judges, prosecutors and lawyers does not specifically focus on women's rights under the Convention, the application of the

Convention or the interpretation of national legislation in the light of the Convention. It also notes the lack of data on women having claimed their rights by invoking the provisions of the Convention or relevant national legislation, which indicates a lack of awareness among women in the State party about their rights under the Convention.

**12. The Committee reiterates its previous recommendations (CEDAW/C/IDN/CO/6-7, para. 12) that the State party:**

**(a) Strengthen legal training and capacity-building programmes for judges, prosecutors, lawyers and other legal professionals in cooperation with civil society and ensure that the Convention is made an integral part of their professional training to enable them to apply the provisions of the Convention directly or interpret national legislation in line with the Convention;**

**(b) Strengthen awareness-raising among the general public about the Convention and the Committee's general recommendations in the official language of the State party, including in accessible formats.**

#### **Constitutional and legislative framework**

13. The Committee commends the State party for conducting consultations with stakeholders when preparing the draft law on gender equality and justice. It further notes that Law No. 23/2014 on local government provides a mechanism to review all by-laws and draft by-laws in line with relevant national laws and international human rights obligations. However, the Committee remains concerned about the following:

(a) The significant delays in adopting the draft law on gender equality and justice and the continued absence of a definition of discrimination against women in the State party's legislation in accordance with article 1 of the Convention;

(b) The existence of 421 regional laws and policies that discriminate against women, including the mandatory jilbab regulations;

(c) The fact that the draft criminal code seeks to criminalize extramarital sex, which may impact lesbian, bisexual and transgender women, restricts women's sexual and reproductive health rights, and authorizes local governments to enact by-laws containing criminal penalties for sexual conduct based on "living law".

**14. Recalling its previous recommendations (CEDAW/C/IDN/CO/6-7, para. 18) and its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, the Committee recommends that the State party:**

**(a) Adopt a concrete time frame for the adoption of the draft law on gender equality and justice that defines and prohibits all forms of discrimination against women, including direct and indirect discrimination in the private and public spheres and intersecting forms of discrimination against women, in line with article 1 of the Convention and target 5.1 of the Sustainable Development Goals;**

**(b) Amend or repeal, within a clear time frame, all discriminatory by-laws and policies, including provisions containing mandatory jilbab regulations;**

**(c) Ensure that the draft criminal code does not discriminate against women or restrict their sexual and reproductive health rights and that the drafting process is fully inclusive and participatory for women.**

**Women's access to justice**

15. The Committee welcomes the adoption of the Information System for the Protection of Women and Children, which enables women and girls to submit complaints in the event of violence. It is, however, concerned about the following:

(a) Persistent barriers, including stigma, fear of retribution and deep-rooted, discriminatory gender stereotypes, which deter women and girls from registering their complaints regarding gender-based discrimination and violence, and the lack of awareness among the judiciary and law enforcement officials about gender-sensitive protocols to deal with cases of gender-based violence and about the importance of victim protection and support services;

(b) Insufficient information on the impact of the Information System for the Protection of Women and Children in eliminating discriminatory gender stereotypes and gender-based discrimination against women in the administration of justice.

16. **The Committee recommends that the State party:**

(a) **Ensure that women have effective access to justice, including by allocating adequate human, technical and financial resources to enhance legal literacy among women, and by providing mandatory capacity-building for the judiciary and law enforcement officials about gender-sensitive protocols to deal with cases of gender-based violence against women and girls and about the importance of victim protection and support services;**

(b) **Ensure that women who are victims of gender-based discrimination and violence can file complaints without fear of retribution or stigma and have access to effective remedies and victim support, such as medical and psychological assistance and shelters;**

(c) **Monitor and assess the impact on women of efforts to improve access to justice, including the effectiveness of the Information System for the Protection of Women and Children.**

**National machinery for the advancement of women**

17. The Committee welcomes the fact that the budget and human resources allocated to the Ministry of Women's Empowerment and Child Protection have more than doubled from 2014 to 2018. Nevertheless, the Committee remains concerned about the lack of a permanent governmental body solely responsible for the coordination of policies on women's rights, gender equality and women's empowerment. It also regrets the absence of a national gender policy and clear benchmarks to assess and monitor the implementation of legislation and policies for the empowerment and protection of women and girls.

18. **The Committee recommends that the State party:**

(a) **Put in place a mechanism on a permanent basis to monitor the implementation of the Convention;**

(b) **Establish a national gender policy and clear benchmarks to assess and monitor the implementation of legislation and policies for the empowerment and protection of women and girls.**

**Temporary special measures**

19. The Committee finds regrettable the absence of information on the use of temporary special measures to accelerate the achievement of substantive equality between men and women in all areas of the Convention.

20. **In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

(a) **Familiarize all relevant officials and policymakers with the concept of temporary special measures, including time-bound goals and quotas, and adopt and implement such measures directed towards the achievement of de facto or substantive equality between women and men in all areas where women are underrepresented or disadvantaged;**

(b) **Include in its legislation a provision to encourage the use of temporary special measures in both the public and private sectors.**

#### **Discriminatory stereotypes and harmful practices**

21. The Committee remains deeply concerned about the persistence of deep-rooted patriarchal attitudes and stereotypes concerning women's roles and responsibilities that discriminate against women and perpetuate their subordination within the family and society. It also notes with concern that the Indonesian Navy and Air Force have not explicitly ended so-called "virginity testing" when recruiting young women, which constitutes a violation of their right to privacy and their physical and mental integrity.

22. **The Committee recommends that the State party:**

(a) **Adopt a comprehensive strategy with proactive and sustained measures targeted at women and men at all levels of society, including religious leaders, to eliminate stereotypes and patriarchal attitudes about the roles and responsibilities of women and men in the family and society;**

(b) **Adopt legislation to prohibit so-called virginity testing and conduct comprehensive awareness-raising programmes for members of the Indonesian Navy and Air Force that highlight its negative impact and seek to challenge and change the discriminatory stereotypes and patriarchal attitudes that are the root causes of this harmful practice.**

#### **Female genital mutilation**

23. The Committee notes that Ministry of Health Regulation No. 1636/2010 was replaced by Ministry of Health Regulation No. 6/2014, which explicitly states that female genital mutilation and circumcision are not medical treatments. However, the Committee notes with concern that Ministry of Health Regulation No. 6/2014 does not prohibit female genital mutilation or impose sanctions on those who perform it.

24. **The Committee stresses that female genital mutilation, female circumcision or female genital cutting cannot be justified on religious grounds and constitute a harmful practice, and that to exert control over the bodies and sexuality of women and girls is in violation of the Convention, irrespective of whether or not these practices are performed within or outside a medical institution. It therefore recommends that the State party:**

(a) **Criminalize all forms of female genital mutilation, ensuring that such criminalization cannot be overruled by fatwas or other rulings issued by religious or clerical authorities, in accordance with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices and target 5.3 of the Sustainable Development Goals;**

**(b) Conduct awareness-raising and educational campaigns aimed at promoting understanding of the criminal nature of and the need to eliminate female genital mutilation, in particular among medical staff, parents, community leaders, religious scholars, and men and boys.**

**Gender-based violence against women**

25. The Committee welcomes the measures taken by the State party to strengthen the protection of women from gender-based violence, including the establishment of the Integrated Service Centre for the Empowerment of Women and Children. However, the Committee notes with concern:

(a) The increase of gender-based violence against women and girls, especially those belonging to disadvantaged and marginalized groups, both online and offline, in particular during the COVID-19 pandemic;

(b) The fact that the definition of rape is based on penile penetration, the failure to criminalize marital rape under the Criminal Code, and the absence of any reference to rape or marital rape in Law No. 23/2004 on domestic violence;

(c) The fact that victims of online gender-based violence can be prosecuted under article 27 (1) of Law No. 11/2008 on electronic information and transactions and under article 4 of Law No. 44/2008 on pornography, despite the fact that they did not consent to the dissemination of intimate content;

(d) The delay in the adoption of the sexual violence bill;

(e) The persistence of the practice of so-called conversion therapy to change the sexual orientation or gender identity of lesbian, bisexual and transgender women;

(f) The limited protection for victims of gender-based violence, including a lack of adequate human and financial resources allocated to the Integrated Service Centre for the Empowerment of Women and Children, especially in rural areas.

**26. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

**(a) Ensure that all perpetrators of gender-based violence against women are prosecuted and adequately punished by a competent court, that victims and witnesses receive protection and that victims are adequately compensated;**

**(b) Amend the Criminal Code, Law No. 23/2004 on domestic violence and other relevant legislation to criminalize all forms of physical, psychological, economic and sexual violence against women, including marital rape, and define rape based on a lack of consent rather than penetration or use of force;**

**(c) Amend Law No. 11/2008 on electronic information and transactions and Law No. 44/2008 on pornography to ensure that victims of online gender-based violence cannot be prosecuted if their intimate images are distributed without their consent;**

**(d) Expedite, as a matter of priority and within a clear time frame, the adoption of the sexual violence bill and ensure the effective participation of women at all stages of the adoption process;**

**(e) Prohibit the practice of so-called conversion therapy and other forced, involuntary or otherwise coercive or abusive treatments against lesbian, bisexual and transgender women;**

**(f) Allocate appropriate human, technical and financial resources to ensure that shelters for women who are victims of gender-based violence are fully**

**operational throughout the State party, including for the effective implementation of the Integrated Service Centre for the Empowerment of Women and Children, especially in rural areas, and ensure that women who are victims of gender-based violence have effective access to medical treatment, psychological counselling, legal assistance and protection orders.**

#### **Women and peace and security**

27. The Committee commends the establishment in 2016 of a local permanent trust and reconciliation commission in Aceh. It also takes note of the adoption of the National Action Plan for Women's Empowerment and Child Protection in Social Conflict, which focuses on prevention, advocacy, awareness-raising and the empowerment of women in social conflict. The Committee, however, notes with concern:

(a) The continuing climate of insecurity and allegations of gender-based violence being committed against women residing in conflict-affected areas, such as East Java and Papua provinces;

(b) The little effort being made by the State party, including by the Attorney General's Office, to prosecute and punish those responsible for violations of the human rights of women committed during conflict;

(c) The lack of progress in providing women victims of sexual violence with justice, truth, reparation and rehabilitation for such human rights violations.

28. **In line with the Convention and the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations and with Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security, the Committee recommends that the State party:**

(a) **As a matter of priority, effectively combat impunity by promptly and thoroughly investigating violations of women's rights perpetrated in conflict areas, in particular sexual and gender-based violence, and by prosecuting and adequately punishing perpetrators, including members of the armed forces;**

(b) **Ensure the right of victims to reparation, including the right to know the truth about violations and guarantees of non-recurrence of such violations, in accordance with international law;**

(c) **Increase its efforts to adopt the new draft law on the establishment of a national truth and reconciliation commission with broad powers to receive complaints and investigate grave human rights violations;**

(d) **Ratify the Rome Statute of the International Criminal Court.**

#### **Trafficking and exploitation of prostitution**

29. The Committee commends the State party on its efforts to strengthen its legal and policy framework to combat trafficking in women and girls, including the establishment of a task force on human trafficking. Nevertheless, the Committee finds regrettable the lack of information on the enforcement of Law No. 21/2007 on the eradication of the crime of trafficking in persons and on the implementation of the National Action Plan on Prevention of Trafficking in Persons, including on any increase of the budget allocated to the Plan. It is also concerned about the absence of a standardized early identification and referral system, remedies and reintegration assistance for trafficking victims, as well as the lack of understanding among police and other law enforcement officers about gender-sensitive procedures for dealing with victims of trafficking. The Committee further notes with concern the lack of

information about whether Law No. 21/2007 on the eradication of the crime of trafficking in persons criminalizes child trafficking in all its forms, including contractual marriages and child sex tourism.

**30. The Committee recommends that the State party, in line with article 6 of the Convention and target 5.2 of the Sustainable Development Goals:**

(a) **Systematically collect data, disaggregated by sex, age, disability, ethnicity, region and socioeconomic background, on trafficking in persons, the number of cases identified through inspections, the number of prosecutions and convictions and the sentences imposed on perpetrators, and compensation provided to victims of trafficking;**

(b) **Allocate sufficient human, technical and financial resources for the implementation of the National Action Plan on Prevention of Trafficking in Persons;**

(c) **Ensure early identification and referral of women and girls who are victims of trafficking to appropriate services, including by providing systematic training to relevant law enforcement officials on the effective implementation of guidelines on victim identification and gender-sensitive interrogation methods;**

(d) **Strengthen support for victims of trafficking by ensuring that they receive protection and have adequate access to counselling and rehabilitation services, reparation and compensation;**

(e) **Criminalize all forms of child trafficking, including contractual marriages and child sex tourism, and raise awareness among the public and, in particular, girls and their families about the criminal nature and risks of trafficking in women and girls.**

31. The Committee notes with concern:

(a) The exploitation of women and girls in prostitution in the State party, including during the COVID-19 pandemic;

(b) The social stigma and widespread discrimination and violence experienced by women in prostitution, including transgender women;

(c) The lack of measures taken to decriminalize women exploited in prostitution in several parts of the State party.

**32. The Committee recommends that the State party:**

(a) **Address the root causes of prostitution, such as poverty and structural gender inequalities, as well as the demand for prostitution, and adopt targeted measures to prevent women in vulnerable situations from being exploited in prostitution, including by providing women who wish to leave prostitution with exit programmes and alternative income opportunities;**

(b) **Investigate and prosecute cases of gender-based violence and discrimination against women in prostitution, bring perpetrators to justice, and de-stigmatize women and girls in prostitution through gender-sensitive training for the judiciary, the police and the general public to encourage victims to report abuses;**

(c) **Repeal discriminatory local regulations, with a view to decriminalizing women in prostitution.**

**Women human rights defenders**

33. The Committee notes with concern that women human rights defenders in the State party, particularly those advocating for land rights and environmental protection, are often subjected to intimidation, harassment and threats.

**34. Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

**(a) Adopt effective measures for the protection of women human rights defenders in consultation with them so that they can freely undertake their important work without fear or threat of intimidation, harassment or violence;**

**(b) Effectively investigate, prosecute and adequately punish all perpetrators of harassment, violence and intimidation against women human rights defenders and provide effective remedies to the victims.**

**Equal participation in political and public life**

35. The Committee commends the State party for its measures taken to increase the participation of women in decision-making positions, such as the adoption of Law No. 7/2017 on elections and Law No. 6/2014 on villages. Also, it welcomes the grand design for increasing women's representation in the legislative assembly for the period 2020–2030. However, the Committee remains concerned about the low participation of women in political and public life, especially in rural areas, where women mayors head only 7 per cent of the 78,000 villages. It further notes the lack of information on gender parity systems for the appointment and recruitment of women to senior government and other public service positions.

**36. The Committee recommends that the State party:**

**(a) Take measures to increase the participation of women in political and public life at all levels, including by adopting temporary special measures in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25;**

**(b) Provide capacity-building on political leadership skills and strengthen campaigns to raise awareness about the fact that the full, equal, free and democratic participation of women in political and public life on an equal basis with men is a requirement for the full implementation of the Convention;**

**(c) Systematically collect data to monitor the progress of women's representation in political and public life, especially at decision-making levels.**

**Nationality**

37. The Committee welcomes the issuance of birth certificates free of charge under Law No. 24/2013 on civil administration, resulting in an increase in the number of children with birth certificates from 32.25 per cent in 2014 to 90.56 per cent in 2019. The Committee, however, remains concerned that article 41 of Law No. 12/2006 on citizenship of the Republic of Indonesia excludes children who were born to an Indonesian and a non-Indonesian parent before 2006 from obtaining Indonesian nationality.

**38. The Committee recommends that the State party ensure that Indonesian nationality is conferred to children born to an Indonesian and a non-Indonesian parent before 2006, with a view to preventing statelessness.**

## Education

39. The Committee notes with appreciation the State party's efforts to enhance access to education, including for students with disabilities under Law No. 8/2016 on persons with disabilities and Ministry of Education and Culture Regulation No. 70/2009 on inclusive education. It further welcomes the State party's efforts to collect data on gender-based violence against women and girls in educational settings by establishing an online system for reporting incidents. The Committee nevertheless remains concerned about:

- (a) The lack of data, disaggregated by sex, age, disability, location and socioeconomic status, to assess the impact of these measures;
- (b) The disparities in access to education, especially during the COVID-19 pandemic, for women and girls belonging to disadvantaged and marginalized groups;
- (c) The low participation of women and girls in non-traditional fields of study and career paths, in particular in science, technology, engineering and mathematics and in information and communications technology;
- (d) The harassment and bullying in school environments of women and girls, especially those belonging to disadvantaged and marginalized groups, and the limited information on the number of complaints and investigations of such cases and the sanctions imposed.

**40. The Committee recommends that the State party raise awareness of the importance of girls' education at all levels as a basis for their empowerment, and:**

- (a) Systematically collect data, disaggregated by age, disability, location and socioeconomic status, on the State party's efforts to increase girls' and women's access to education;**
- (b) Facilitate access by women and girls belonging to disadvantaged and marginalized groups to education, including by providing financial support and by building capacity among educational staff to create safer and more inclusive learning environments for them;**
- (c) Intensify efforts to promote women's and girls' participation in non-traditional fields of study and career paths, in particular in science, technology, engineering and mathematics and in information and communications technology;**
- (d) Adopt a zero-tolerance policy on sexual violence and harassment against women and girls in schools, introduce adequate awareness-raising measures in educational institutions to prevent all forms of harassment and gender-based violence against students, ensure that perpetrators are prosecuted and adequately punished, and provide psychological, medical and legal assistance to victims.**

## Employment

41. The Committee welcomes the adoption of Law No. 18/2017 on protection of migrant workers, which contains empowerment and protection mechanisms for migrant workers and their families. It also takes note that Law No. 11/2020 on job creation does not change or revoke the rights of women workers afforded under Law No. 13/2003 on manpower. However, the Committee notes with concern:

- (a) Women's overrepresentation in the informal economy, in lower-paid jobs and in temporary and part-time work, including in palm oil plantations, where women work in unfavourable conditions without adequate protection from exploitation;

(b) The absence of a comprehensive law that defines and effectively prohibits gender-based violence and harassment, including sexual harassment, in the workplace;

(c) The persistent gender pay gap in the State party and the lack of legislation guaranteeing the principle of equal pay for work of equal value;

(d) The exclusion of women as rights holders from the scope of Law No. 7/2016 on the protection and empowerment of fishers, fish raisers and salt farmers, Law No. 19/2013 on farmers' protection and empowerment, and Law No. 18/2012 on food;

(e) The fact that women domestic workers, including women migrant workers, and especially women in conflict, face a heightened risk of gender-based violence and discrimination; the delay in the adoption of legislation to protect domestic workers, including the draft law on domestic workers and International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189); and the limited implementation of Law No. 18/2017 on protection of migrant workers;

(f) The absence of clear and up-to-date information on women with disabilities in the workforce, and the significant challenges faced by women with disabilities, as well as the particular issues facing women with leprosy when accessing meaningful and sustainable employment;

(g) The serious and varied outcomes of Law No. 11/2020 on job creation, which may disproportionately affect women's livelihood and work, including paid overtime protections, protection from termination of employment, and women's right to paid leave due to new wage laws.

**42. The Committee recommends that the State party:**

**(a) Strengthen measures to eliminate horizontal and vertical occupational segregation and enhance women's access to formal employment, encourage women and girls to select non-traditional career paths, and prioritize the transition of women from part-time to full-time work, with the support of adequate and accessible childcare facilities;**

**(b) Design and implement public policies to extend social protection coverage to women in situations of conflict and women in informal employment, in particular those with lower-paid jobs and temporary and part-time work;**

**(c) Adopt and implement comprehensive legislation to prevent and respond to gender-based violence and harassment, including sexual harassment, in the workplace, and establish an independent complaint mechanism to ensure that victims have effective access to redress and that perpetrators are held accountable, including by prosecuting and punishing those responsible, ensuring access to health care and essential services, including for women migrant workers, without fear of arrest or deportation;**

**(d) Effectively enforce the principle of equal pay for work of equal value in order to narrow and ultimately close the gender pay gap by regularly reviewing wages in all sectors, applying gender-sensitive analytical job classification and evaluation methods, conducting regular labour inspections and conducting regular pay surveys;**

**(e) Guarantee real enjoyment by women on an equal footing with men as rights holders under Law No. 7/2016 on the protection and empowerment of fishers, fish raisers and salt farmers, Law No. 19/2013 on farmers' protection and empowerment, and Law No. 18/2012 on food;**

**(f) Without further delay, (i) adopt the draft law on domestic workers, which provides equal working conditions as those under Law No. 13/2003 on**

manpower; (ii) ratify the ILO Domestic Workers Convention, 2011 (No. 189); and (iii) implement Law No. 18/2017 on protection of migrant workers;

(g) Enforce public and private sector awareness-raising and training activities relating to disabilities, increase support mechanisms to ensure that women with disabilities find sustainable and meaningful employment, and publish current and detailed statistics on women with disabilities in the workforce;

(h) Guarantee protections for paid maternity, menstruation and breastfeeding leave, and ensure that women will be protected from forced unpaid overtime hours, despite changes to overtime hours and wage laws in Law No. 11/2020 on job creation.

### Health

43. The Committee commends the State party for its efforts to expand access to sexual and reproductive health services in rural areas and to reduce maternal and infant mortality, including the President's HeforShe IMPACT Champion Initiative. However, it notes with concern:

(a) The limited access to and gender-based violence and discrimination in the health-care system faced by women in rural areas, women living with HIV/AIDS, women with disabilities, women in prisons and women using drugs;

(b) The lack of comprehensive age-appropriate sexuality education, and the limited access to contraception and sexual and reproductive health services under Law No. 52/2009 on population and family development and Law No. 36/2009 on health;

(c) The high maternal mortality and malnutrition rates, especially in rural areas, including Papua, Sulawesi, Maluku and Nusa Tenggara provinces;

(d) The minimal period (six weeks) and grounds (only in cases of rape or threats to the life of the pregnant woman or the fetus) for legal abortion under article 75 of Law No. 36/2009 on health, and the legal requirements to obtain consent from the husband, or, in the case of rape, a doctor's letter and an official statement from an expert concerning the alleged rape, which lead women to undergo unsafe abortions;

(e) The shackling or detention of persons with intellectual or psychosocial disabilities, including women and girls, or their forced placement in psychiatric facilities, and their subjection to physical examinations, medical treatment and medication procedures without their free, prior and informed consent.

44. **The Committee recommends that the State party:**

(a) **Eliminate discrimination, violence and stigma against women in rural areas, women living with HIV/AIDS, women with disabilities, women in detention and women using drugs, and ensure that they have access to adequate health services, including sexual and reproductive health services and HIV and drug treatment;**

(b) **Ensure that women and girls have effective access to sexual and reproductive health information and services, including age-appropriate sexuality education and modern methods of contraception, in particular by repealing legislation and regulations that restrict access to contraception;**

(c) **Improve the coverage of and access to health services throughout its territory and intensify efforts to reduce the incidence of maternal mortality and malnutrition, including by training health professionals, especially in rural areas, to ensure that all births are attended by skilled health-care personnel and**

by making coordinated efforts to address malnutrition in a strategic, gender-sensitive and culturally appropriate manner;

(d) **Extend the time limit on undergoing abortion, legalize abortion in cases of incest and severe fetal impairment in addition to rape and threats to the life of the pregnant woman, decriminalize it in all other cases and provide safe abortion and post-abortion services;**

(e) **Abolish the deprivation of liberty of women and girls with disabilities based on actual or perceived intellectual or psychosocial impairment, and any examinations or treatment without their free and informed consent, and investigate, prosecute and punish cases of chaining and detention in private homes and forced placement and treatment in psychiatric facilities.**

#### **Indigenous rural women**

45. The Committee welcomes the State party's efforts in building normative frameworks to recognize a certain degree of land rights of *masyarakat hukum adat* (customary law communities). However, the Committee notes with concern:

(a) The fact that only nine *masyarakat hukum adat* are recognized by the State party, and that rural and indigenous women are disproportionately affected by development projects, including the exploitation of natural resources, deforestation and agricultural expansion, and land conflicts caused thereby;

(b) That Law No. 11/2020 on job creation undermines environmental protection by removing the requirement of environmental permits and environmental impact assessments, thereby threatening indigenous women's access to land;

(c) The absence of information on the integration of a gender perspective into decision-making processes on development projects and the limited participation of women, especially indigenous rural women, in such decision-making and policymaking;

(d) Indigenous women's limited access to land ownership, safe water and adequate sanitation.

46. **The Committee recommends that the State party:**

(a) **Expedite its efforts to protect indigenous women's right to use natural resources and lands, including by expanding the scope of *masyarakat hukum adat*, and repeal or otherwise amend legislation that undermines indigenous women's right to land use, including Law No. 11/2020 on job creation;**

(b) **Conduct a gender assessment in the context of all environmental impact assessments and ensure that rural and indigenous women can fully contribute to the development of the country, require their free, prior and informed consent to any development project on indigenous lands as well as adequate benefit-sharing agreements, and provide indigenous women affected by such projects with adequate alternative livelihoods, in line with the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169);**

(c) **Eliminate customary practices that discriminate against indigenous women in relation to land ownership and ensure indigenous women's access to basic services, safe water and adequate sanitation.**

#### **Lesbian, bisexual and transgender women and intersex persons**

47. The Committee is concerned about discriminatory legislation and provincial and municipal ordinances against lesbian, bisexual and transgender women, including the Islamic Criminal Code in Aceh. It also notes with concern the prevalence of

discriminatory practices against lesbian, bisexual and transgender women and intersex persons, such as social exclusion, acts of hate speech and abuse, and arbitrary detention by the police.

48. **The Committee recommends that the State party:**

(a) **Adopt legislative and policy measures to combat gender-based violence and discrimination against lesbian, bisexual and transgender women and intersex persons, including hate speech and physical, verbal and emotional abuse;**

(b) **Protect the human rights of lesbian, bisexual and transgender women and intersex persons in all areas covered by the Convention and conduct awareness-raising activities to address their stigmatization in society.**

#### **Refugee and asylum-seeking women**

49. The Committee is concerned about information indicating that current refugee and asylum regulations give refugee and asylum seekers neither access to basic services nor the right to work, leaving refugee and asylum-seeking women at high risk of exploitation.

50. **The Committee recommends that the State party amend refugee and asylum legislation to guarantee basic socioeconomic rights for refugees and asylum seekers and others in need of international protection, including by giving them the right to work.**

#### **Marriage and family relations**

51. The Committee notes the State party's national campaign to stop child marriage, including by setting a target to reduce it in the National Medium-Term Development Plan 2020–2024. Nevertheless, the Committee reiterates its previous concern (CEDAW/C/IDN/CO/6-7, para. 47) about the absence of an effective strategy with clear priorities and timelines to eliminate discrimination against women and girls in marriage and family relations. It is particularly concerned about:

(a) The persistence of child marriages, especially in rural areas, under article 7 (2) of Law No. 16/2019 on marriage, which authorizes the religious courts to grant exemptions from the legal minimum age of marriage;

(b) The delay in withdrawing or amending discriminatory provisions in Law No. 16/2019 on marriage and in the Civil Code and other discriminatory provisions, including provisions that: (i) authorize polygamy (arts. 3, 4.1 and 4.2 of Law No. 16/2019 on marriage); (ii) provide that the man is the head of the household (arts. 31 and 34 of Law No. 16/2019 on marriage and arts. 105 and 106 of the Civil Code); (iii) discriminate against women in matters of inheritance rights; and (iv) exclude Muslim women from marriage and divorce under the civil law;

(c) The high number of unregistered marriages, leading to a lack of protection of women in such unions;

(d) The persistence of “bride kidnapping”, which results in forced marriage, in several regions, including Sumba.

52. **The Committee recalls its previous concluding observations (CEDAW/C/IDN/CO/6-7, para. 48), as well as its general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, and recommends that the State party develop an effective strategy with clear**

priorities and timelines to eliminate discrimination against women in marriage and family relations. In particular, it recommends that the State party:

(a) Abolish exceptions to the prohibition of the marriage of those under 18 years of age under article 7 (2) of Law No. 16/2019, including by prohibiting a judicial dispensation of the marriage age; prevent patriarchal marriage traditions such as *ijbar* and *muhrim*; and request the full consent of the woman in all marriages;

(b) Take measures to raise awareness throughout the country about the detrimental effects of child marriage on girls and provide systematic training for members of the judiciary to ensure that they are aware of the rights of women and children and of their own role in protecting victims of child marriage;

(c) Amend, without further delay, the discriminatory provisions in Law No. 16/2019 on marriage and in the Civil Code, and any other discriminatory provisions, with a view to (i) prohibiting polygamy; (ii) ensuring equal inheritance rights for women and men; and (iii) making civil marriages and divorce accessible to all women in the State party;

(d) Protect the rights of women in unregistered unions and require the civil registration of all marriages for them to have legal effect;

(e) Ensure that cases of forced marriage are investigated effectively, that perpetrators are prosecuted and adequately punished, and that women and girls in such unions have access to protection, including accessible shelters and victim support services.

#### **Optional Protocol to the Convention and amendment to article 20 (1) of the Convention**

53. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

#### **Beijing Declaration and Platform for Action**

54. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in the context of the 25-year review of the implementation of the Declaration and Platform in order to achieve substantive equality between women and men.

#### **Dissemination**

55. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the People's Consultative Assembly and the judiciary, to enable their full implementation.

#### **Technical assistance**

56. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

**Ratification of other treaties**

57. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

**Follow-up to the concluding observations**

58. The Committee regrets the State party's failure to submit information on the measures taken to implement the specific recommendations identified for immediate action in its previous concluding observations and requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 14 (a), 24 (a), 26 (d) and 52 (c) above.

**Preparation of the next report**

59. The Committee invites the State party to submit its ninth periodic report, which is due in November 2025. The report should be submitted on time and cover the entire period up to the time of its submission.

60. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see [HRI/GEN/2/Rev.6](#), chap. I).

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.