



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

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## Committee on the Elimination of Discrimination against Women

Fifty-second session

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

#### Indonesia

The pre-session working group examined the combined sixth and seventh periodic reports of Indonesia (CEDAW/C/IDN/6-7) submitted by the State party.

#### General

1. Please provide detailed information on the process of preparing the report, including to what extent consultations were held with non-governmental and civil society organizations. Please indicate whether the State party, which, according to paragraph 5 of the report, is preparing an academic text for the ratification of the Optional Protocol, has established a clear time frame for ratification. Please also indicate whether the State party considers withdrawing its reservation to article 29 (1).

2. The report refers, in paragraph 13, to the lack of disaggregated data at the national and subnational levels. Please provide information on the steps taken by the State party to improve the collection of data disaggregated by sex pertaining to all areas of the Convention on the Elimination of All Forms of Discrimination against Women and the way in which such data are used in policy and programme development, and in monitoring progress towards de facto equality between women and men.

#### Dissemination of the provisions of the Convention

3. In light of paragraphs 9, 10 and 13 of the report, please indicate whether the Convention has been widely disseminated in the State party in order to make the people, in particular, policymakers, high-level officials of the executive, legislative and judicial systems, religious and community leaders, and, in general, the male population, aware of the Convention and women's human rights.



**Legal status of the Convention and legislative and institutional framework**

4. According to paragraph 20 of the report, the National Commission for Women has identified many discriminatory laws and the Department of Law and Human Rights has recommended the annulment of 1,406 regional by-laws. Please indicate whether the State party envisages withdrawing all discriminatory provisions, in particular those existing in the province of Aceh that deny equality between women and men in the public sphere, limit women's rights in the family, demand dress codes for women, place restrictions on the daily conduct of women, limit inheritance rights, prevent menstruating women from participating in social life and impose severe punishment for certain consensual sexual activity. Please also indicate the time frame for redrafting the draft law on Gender Equality, referred to in paragraph 22 of the report, and explain whether the new draft will bring this law in line with the Convention.

**Stereotypes and harmful practices**

5. The report refers, in paragraphs 25, 31 and 33, to the existence of stereotypes that undermine women and of such harmful traditional practices as female circumcision, early marriage, arranged marriage, polygamy, illegal marriage and arbitrary divorce. Please indicate measures taken or envisaged to change discriminatory social and cultural patterns and eliminate gender-based stereotypes and harmful traditional practices.

**Violence against women**

6. Please comment on information received concerning a 2010 fatwa rendering the practice of *sunat* (female circumcision) obligatory for Muslims and the subsequent Ministerial Regulation No. 1636 of 2010 authorizing female circumcision when performed by medical personnel. Please explain the steps taken to withdraw this regulation, which repeals the previous prohibition of female circumcision and therefore constitutes a setback in combating violence against women, and indicate the prevalence of and the measures taken to eliminate the re-emerging practice of female circumcision.

7. Please indicate the steps taken (a) to ensure that rape and sexual assault cases are brought to the court and punished in accordance with the gravity of the crime; and (b) to prevent the mediation of the police in rape cases, the payment of a fine as the settlement of the case, the practice of marrying the victim with the rapist and the stigmatization of victims of rape.

8. Please provide data on the rate of violence against women, including that of domestic violence. Please also provide information on (a) the enforcement of Law No. 23/2004 and its effectiveness on reducing domestic violence; (b) the establishment of monitoring mechanisms; and (c) the development of awareness-raising and training programmes for law enforcement officers and the judiciary. Please indicate whether the State party envisages developing policies and programmes to improve prevention, protection and assistance to women victims of violence, including the provision of Government shelters, rehabilitation services and legal support.

**Trafficking and exploitation of prostitution**

9. The report indicates, in paragraph 45, that different levels of Government have passed and implemented laws and regulations to address the issue of trafficking in persons, including 17 by-laws in provinces, districts and municipalities that directly address trafficking. Please indicate the mechanisms in place for monitoring the implementation of these laws and provide information on their applicability in other provinces, districts and municipalities. Please also indicate whether the State party envisages developing comprehensive State-wide policies and programmes addressing prevention, protection and assistance to victims of trafficking, including those who are exploited in prostitution.

**Participation in decision-making and representation in political and public life**

10. The report, in paragraph 54, refers to a 30 per cent quota for women as well as difficulties to effectively implement the quota system. Please indicate steps taken to make the quota a mandatory requirement and to establish enforcement mechanisms, as recommended by the Committee on the Elimination of Discrimination against Women in paragraph 27 of its previous concluding observations (CEDAW/C/IDN/CO/5).

11. Please indicate the degree of participation of women in post-conflict and natural disaster reconstruction processes at all levels of decision-making, including with respect to policies and programmes that have a direct impact on women's lives.

**Nationality and citizenship**

12. According to information received, 45 million childbirths have not been registered in Indonesia. In light of the previous concluding observations, please indicate the legislative and practical steps taken to ensure that all children are registered and that poor and rural women are aware of the requirement relating to birth registrations and certificates.

**Education**

13. The report, in paragraphs 89 and 149, refers to a high dropout rate among girls owing to farming work and early pregnancy. Please provide information on measures taken or envisaged to reduce the dropout rate, including by allowing girls to return to school after giving birth. In addition, please provide information on measures taken to ensure that girls in poverty and/or in rural and remote areas have access to quality education. Please also indicate the time frame for the provision of awareness-raising and training to schoolbook writers and teachers to eliminate stereotypical attitudes about the roles and responsibilities of women and men in textbooks and curricula (see CEDAW/C/IDN/6-7, para. 77).

**Health**

14. The report, in paragraph 127, indicates that 5 per cent of the State budget is allocated to health care. Please indicate whether the State party envisages increasing this budget. Please also provide details on measures envisaged to (a) enhance the scope and impact of the programme on Provision of Information and Counselling on Teen Reproductive Health (see CEDAW/C/IDN/6-7, para. 130); and (b) provide women, in particular unmarried women and teenage girls, with comprehensive

education on sexual and reproductive health and rights, including protection from HIV/AIDS and other sexually transmitted diseases and unwanted pregnancies. Moreover, please indicate whether the State party envisages repealing the provisions of the 2009 Law on Health, which, reportedly, prevent access by unmarried women to family planning services and contraceptives.

15. According to reports received, maternal mortality rates are very high. Please provide detailed information on concrete measures envisaged to reduce maternal mortality throughout the country, including among the rural population.

16. Please provide information on the dissemination of the provisions of the 2009 Law on Health legalizing abortion in case of rape and when pregnancy is harmful to the mother's life and/or health. Please comment on information received that a woman requires the consent of her husband to undergo a legal abortion and provide estimated data on unsafe abortions in the country.

### **Employment**

17. According to the 2009 Indonesia Child Labour Survey, the estimated number of child workers was 1.7 million in 2009, including a high number of girls employed as domestic or sex workers. Please indicate the measures taken to combat child labour and ensure that employers are prosecuted.

### **Women migrant workers**

18. The Committee is concerned about reports of violence, abuse and exploitation experienced by women migrant workers both in the host countries and at the hands of the agencies and officials in Indonesia who facilitate their placement. Please provide data on the prevalence of these problems among migrant workers and information on the measures taken to protect victims and punish perpetrators. Please indicate the steps taken to create jobs and self-employment opportunities for women within the country. Please also provide information on whether standardized and comprehensive pre-departure orientation and skills training are effectively undertaken. Please describe the measures in place to prosecute those responsible for abuse and exploitation of women migrant workers in the State party.

### **Women belonging to minority groups**

19. Please provide information about reports of discrimination, violence and sexual intimidation specifically targeting women who belong to religious minorities, such as the Ahmadiyyah, Christians, Buddhists, Baha'is and indigenous women, and indicate the measures taken to prevent such acts and ensure protection and assistance to these women. Please also describe the steps taken to ensure that women who belong to minority groups are able to freely determine how to practice their culture and religion.

### **Women affected by the conflict**

20. Please comment on information received that, in the context of the ongoing conflict in the provinces of Papua and West Papua, women have been subject to physical and sexual violence and provide information on measures envisaged to ensure protection, security and assistance to these women.

21. Please indicate the steps taken to provide access to justice, reparation, rehabilitation and counselling by women victims of sexual violence during the previous conflicts, such as the May 1998 riots, the East Timor conflict (1974-1999), the conflict in the province of Aceh and the Maluku, Poso and Central Sulawesi social conflict.

**Women's human rights defenders**

22. Please comment on information received about gender-based violence perpetrated against female human rights defenders, in particular (a) defenders of the rights of indigenous people; (b) defenders of the rights of lesbians and gay men; and (c) advocates of public awareness-raising about HIV/AIDS.

**Marriage and family relations**

23. The Law on Marriage authorizes early marriage, polygamy and male dominance in the family (see CEDAW/C/IDN/6-7, para. 35), and is silent about marital rape. Please provide detailed information on the concrete measures taken by the State party, including sensitization and awareness-raising among members of Parliament, with a view to withdrawing discriminatory provisions and amending the Law on Marriage. Please elaborate on the law in the province of Aceh that criminalizes adultery and imposes the punishment of stoning on women found guilty of adultery. Please indicate the measures taken to repeal this law and ban this practice and provide data on the incidence of women subject to stoning. Please also indicate whether the State party has put in place an effective strategy with clear priorities and timetables to eliminate all discrimination against women in the areas of marriage and family relations, as recommended by the Committee in paragraph 19 of its previous concluding observations.

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