



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

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**Responses to the list of issues and questions with regard to
the consideration of the combined sixth and seventh
periodic report**

Indonesia*

* The present document is being issued without formal editing.

Response to the list of issues and questions with regard to the consideration of the combined sixth and seventh periodic report

Republic of Indonesia

1. This document is prepared in response to the List of Issues and Questions in relation to the combined Sixth and Seventh Periodic Report of the Republic of Indonesia (CEDAW/C/IDN/Q/6-7) to be considered by the Committee on the Elimination of Discrimination against Women at the 52nd session of 2012.

2. The Government of the Republic of Indonesia attaches great importance on the elimination discrimination against women and has taken all necessary measures to advance the role of women and protection of women's rights throughout the country. At regional and global levels, Indonesia continues to create an enabling environment that strengthens the capacity of the States to comply with the obligation the CEDAW and to implement the outcome of the major UN conferences and summits, in particular the Beijing Declaration and Platform for Action.

3. In preparing Indonesia's response to the List of Issues and Questions, a wide range of consultation was carried out. The Ministry of Women Empowerment and Child Protection (MoWECP) and the Ministry of Foreign Affairs held a series of inter-ministerial coordination. A workshop, which involved representatives of National Human Rights Institution (NHRI), Civil Society Organizations (CSO), and eminent persons in the issue of women's rights such as the Indonesian Commissioner for ASEAN Women and Children Committee and Indonesian former member of the Committee of CEDAW, was held to acquire information on the implementation of the Convention.

4. This document contains further information on legislative, administrative and other measures that have been taken after the period of 2004-2009, as well as indicative measures, that aimed at the achievement de jure and de facto equality between women and men. Some of them are the ratification of the Convention on the Rights of Persons with Disabilities in 2011, the implementation of National Action Plan on Human Rights 2011-2014, the adoption of 2010-2015 Roadmap to Accelerate the Achievement of the MDGs in Indonesia, the implementation of National Medium-Term Development Plan 2010-2014, the enactment of Presidential Instruction No. 1 of 2010 on Acceleration on the Implementation of National Development Priorities, and No. 3 of 2010 on Justice for All, the adoption of Finance Ministerial Regulation No. 119 of 2010 on Gender Responsive Planning and Budgeting and the issuance of Home Affairs Ministerial Regulation No. 22 of 2011 on the General Guidelines for the Preparation of 2012 Regional Budget, particularly on the acceleration of the attainment of Millennium Development Goals (MDGs). They contain concrete steps, timeframe and tangible outcome.

5. Various Indonesian active roles on the advancement of women at regional and international fora are reflected in this document. This includes Indonesia's support to the global initiatives on women and children, on the United Nations System Wide Coherence related to women, and the interrelatedness of women's rights with other international human rights instruments. Moreover, the Government of Indonesia appoints prominent women as Indonesian representatives in various international fora, including in the Drafting Group of ASEAN Human Rights Declaration, and the

Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation.

General

Reply to Question No. 1

6. In fulfilling its reporting obligation under various international human rights instrument, Indonesia has consistently engaged with all stakeholders of human rights at central and provincial level. This involves NHRIs, NGOs and CSOs.

7. It is Indonesia's firm belief that the process of drafting the report is as important as the content of the report. Throughout the process of reporting, stakeholders are engaged in open and meaningful discussions. It provides them the avenue to exchange information on the status of the implementation of certain law, regulation and policies, and identify challenges. It is an opportunity to build a comprehensive understanding on the human rights conventions to which Indonesia is party to and better coordination in their realization.

8. Such practice was also part of Indonesia's commitments made during the Indonesian Universal Periodic Review of the UN Human Rights Council. This inclusive process is an integral part of democratic life in Indonesia and part of state's accountability on the fulfillment of human rights.

9. In the process of preparing the Combined Sixth and Seventh Periodic Report of CEDAW, various consultations were conducted in national and sub national level, which also involved NHRIs, NGOs, and CSOs. Such involvements were also conducted during the dissemination of the concluding comments of the Committee for the previous Indonesian CEDAW reports. To name a few are as follow:

- National Workshop on the Implementation of CEDAW in Indonesia for the period of 2004-2009, Jakarta, 3 May 2010 and a series of workshops in West Java, East Nusa Tenggara, South Sulawesi and South Sumatera during 2009;
- National Workshop on CEDAW Concluding Comments, Jakarta, 29 January 2009; and,
- Training of trainers on the implementation and reporting guidelines of CEDAW for gender focal points and planners in the government ministries and agencies, Jakarta, 2009.

10. Regarding the Optional Protocol (OP) to CEDAW, National Action Plan on Human Rights (*Rencana Aksi Nasional HAM* or RANHAM) 2011-2014 has set out, among others, the preparation for ratification of international human rights instruments, including OP CEDAW. The Action Plan specifies that the preparation of the ratification of the OP CEDAW is to be conducted in 2012. As part of the preparatory process of ratification, the dissemination on OP CEDAW has been carried out in 2011. One important aspect often highlighted was the implications and consequences of becoming a party to the OP CEDAW.

11. With regard to Indonesia's reservation to Article 29 (1), as a principle Indonesia maintains that the resort to ICJ's jurisdiction requires consent of all parties concerned. Indonesia is of the view that such reservation does not in any way

undermine the commitment of a state party to each and every principle and standard provided for in the Convention.

Reply to Question No. 2

12. Indonesia places great attention to the accuracy of data on population and gender statistics based on the collection of data disaggregated by sex pertaining to all areas of CEDAW. The sex-disaggregated data could facilitate the government to measure the progress and achievement in the development in general and in the implementation of CEDAW in particular. Furthermore, reliable sex-disaggregated data serves as the precondition for government institutions when formulating their policies, programs and activities.

13. Numerous challenges on sex-disaggregated data have been identified which are: the absence of specific regulation on the flow of data collection and utilization, the absence of designated institution or unit to manage the data at the district level, and limited human resources, facilities and infrastructures.

14. Such challenges have been addressed with the following measures:

- The MoWECF enacted a Ministerial Regulation No. 6 of 2009 regarding the Provision of Data on Gender and Child. To make this regulation applicable to the local government, MoWECF and the Ministry of Home Affairs (MoHA) are developing a draft Guideline on the Management of Data on Gender and Children in line with the Government Regulation No. 38 of 2007 on the Division of Authority between the Government and the Provincial and District/Regency Government.

Within the draft guideline, sex-disaggregated data is to be applied in the fields of health, education, natural resources and environment, economy and employment, politics and decision-making process, law and socio-culture, and violence against women. The draft guideline also defines the institutional data which consists of institutional gender mainstreaming and institutional child rights mainstreaming. These classifications go in line with the current status of women and man statistics in the world as presented in the report of UN World's Women 2010: Trend and Statistics which covers similar areas.

With the presence of the draft guideline, it is expected that the designated institution or unit to manage the data at the district level will be established.

- In 2011, the MoWECF and Central Statistic Agency (Biro Pusat Statistik/BPS) have created Training Module Management of Data on Gender. Trainings on data management have been conducted for both national and local government, including trainings in 10 provinces during 2011. By 2014, the training program will have covered all provinces in Indonesia.

15. As the result of the cooperation between MoWECF and BPS on the data disaggregated by sex, such data are now available and accessible at BPS website <http://sp2010.bps.go.id/index.php/site/index> (see Annex 1 for website's screenshot). It provides also the results of the Indonesian National Census 2010 that is disaggregated by sex at the provincial level in the areas of population distribution, family and household structure, fertility, migration, education, labor force, housing and social welfare. BPS will provide specific data disaggregated by sex should any Government Ministry and Agency request it.

16. Since 2000, MoWECP and BPS have also been publishing annual “Profile of Women and Men” which highlights the status of the role and participation of women and men in the development. To improve the availability of gender profile at the sub national level, the Ministry had also provided stimulus fund for a number of local governments up to 2009. Furthermore, both institutions have been publishing “Gender-Based Human Development” since 2005 which lists out the achievement of human life quality in education, health and economy/decision-making sectors taking the perspectives from Human Development Index, Gender Development Index and Gender Empowerment Measurement up to district/municipal level. The latest publication includes “Indonesia Child Profile 2011”.

17. With regard to the data collection on violence against women, currently the MoWECP is working on a new survey instrument that is based on the review instrument of 2006 survey and methodology on data collection of violence against women utilized by World Health Organization. With the availability of the new instrument, the information gathered would also capture the magnitude of violence against women as well as the triggering factors.

18. The presence of sex-disaggregated data facilitates the government to formulate policies, programs and activities that are gender responsive. It provides information and analysis on the existence of gender gap as well as indicates actions to be taken by policy-makers. For example, Law on General Election of 2008 and Law on Criminal Act of Trafficking in Person of 2007 and Presidential Regulation on the National Medium-Term Development Plan of 2010-2014 were formulated based on the analysis of sex-disaggregated data.

19. Another example in which disaggregated data by sex is used in policies, program and activities is the implementation of Gender Responsive Budgeting through the Finance Ministerial Decree No. 119 of 2009. The formulation of national strategy on access to justice was also based on such data. Moreover, at the Indonesian Embassies and Consulate abroad, sex-disaggregated data collection is used to provide necessary services and protection for Indonesian migrant workers.

Dissemination of the provisions of the Convention

Reply to Question No. 3

20. As parties to numerous international human rights instruments, in particular to seven out of nine international core conventions including CEDAW, Indonesia has paid the importance of the dissemination of norms and relevant information of these conventions. The dissemination also covers the information on the Concluding Comments of the treaty bodies, including the Committee of CEDAW. In doing so, the universality, indivisibility, interrelatedness and mutual reinforcing of all rights set out in various conventions are highlighted so that the issue of women’s rights is understood comprehensively.

21. Various actors, including relevant ministries and CSOs as well as NHRIs, have been conducting a number of seminars, workshops, public hearing, focus-group discussions, symposiums, and talk-shows on the issue of women’s rights, including anti-discrimination and combating violence against women. Those activities were attended by a diverse range of stakeholders, from policy makers, parliamentarians, academics, students to informal leaders in the society.

22. Since the first generation of the National Action Plan on Human Rights 1999-2003, education/dissemination on human rights has been identified as one of the main pillars in the promotion and protection of human rights. The third generation of Action Plan 2011-2014 identifies that it remains a necessity to increase the understanding and awareness on human rights. The activities are conducted every year throughout the country under the pillar of “human rights education”. The issue of human rights, including women’s rights, has received the attention of many and become one of the main agendas of discussion among all stakeholders. Male population is not excluded in this dissemination process.

23. Furthermore, Indonesia has actively contributed to the advancement of women’s rights in particular and human rights in general at the regional and international level. This includes the hosting of Regional Workshops on the Advancement of Women in the Asia-Pacific Region held by Indonesian National Commission on Anti-Violence against Women (Komnas Perempuan), OHCHR and the Government of Indonesia in Jakarta, 2009 and 2011, as well as United Nations Regional Workshop on the Promotion and Protection of Human Rights in the Asia-Pacific Rights supported by OHCHR in Bali, 2007.

Legal status of the Convention and legislative and institutional framework

Reply to Question No. 4

24. As mentioned in the Common Core Document of Indonesia, by-laws (local regulation/*peraturan daerah or perda*) are positioned at the very last in the Indonesian legal hierarchy. This has been restated and amended in Law No. 12 of 2011 on the Formulation of Laws and Regulation. The legal standing of these by-laws shall follow such hierarchy and shall not contradict the higher laws.

25. In this regard, in line with the 1945 Constitution and national laws, the MoHA has annulled 2,524 by-laws during 2002-2011. The annulment has also taken the consideration that certain by-laws proved to be contradictory to Indonesian commitment in the promotion and protection of human rights.

26. Moreover, to address the existence of discriminatory by-laws, the MoWECP, Ministry of Law and Human Rights (MoLHR) and MoHA together in 2011 established the Parameter on Gender Equality directed for legislators and policy makers. It is a guideline or analysis tool in formulating law and legislatives in accordance with Law No. 12 of 2011. Currently, the MoHA has agreed to utilize this guideline in formulating by-laws.

27. As this has been part of Indonesian legislation, some of the Indonesian Religious Courts have based its decision on the principle of equality of women and men in inheritance cases. This could be found in the Religious Court decision of the Makassar city (PA Makassar No 338/Pdt.G/1998/PA.Upg and PA Makassar No 230/Pdt.G/2000/PA.Mks) and Medan city (PA Medan No 92/Pdt.G/2009/PA.Mdn), in which each decides explicitly equal portion for heiress and male heir.

28. With regard to the draft Law on Gender Equality, the Indonesian House of Representative, at its plenary meeting on the 16th of December 2011, agreed, among others, that 64 draft Laws will be in the National Legislation Program for Priority

Bills in 2012. The draft Law of Gender Equality is included and now among the priority discussion of the Bill in 2012.

Stereotypes and harmful practices

Reply to Question No. 5

29. Indonesia has taken legislative, administrative, and other concrete measures to fully implement the provisions set forth in CEDAW. Such measures are also targeted to eliminate stereotyping attitude and harmful practices. Indonesia places the importance of education, particularly for boys and girls, to eliminate such attitude and practices. In this regard, school curricula and teaching materials are reviewed periodically in order to eliminate gender-biased mind setting and further promote the equality of women and men.

30. Indonesia also underlines that the empowerment of women, including in the area of economy, would eventually eliminate harmful practices. In this regard, a number of interventions to empower Indonesian women, including their families and societies, have been conducted. In the area of economy, one successful program is Desa PRIMA (*Perempuan Indonesia Maju Mandiri* — Independent and Progressive Indonesian Women Village Model), which provides advocacy and training of practical skills for women in order to boost their economic power. Similar mechanisms, such as National Program for Community Empowerment (PNPM Mandiri) and People-based Small Business Loan Program (KUR) are available and accessible for women, especially those in rural areas.

31. Based on MoHA's Ministerial Regulation No. 52 of 2007 and in cooperation between MoHA, Ministry of Social Welfare, Research Groups and CSOs, MoWECF has conducted a mapping of cultural and social values along with arising problems in certain provinces, related to its specific cultural practices. Gender perspectives in education and religion are seen as a strategic entry point to confront and change the discriminatory social and cultural patterns that are harmful to women.

32. Gender mainstreaming policy in Education can be seen in the review and rewriting of curriculum with gender perspectives and a review of school textbooks. A task force within the Ministry of Education was established to oversee the process. The National Education Ministerial Regulation No. 22 of 2006 has clearly stated that gender equality is a part of the national curriculum's basic framework and structure. A task force within the Ministry of Religion was also established to oversee gender mainstreaming socialisation programs starting from the national level down to sub-nationals.

33. Furthermore, public campaigns and media awareness have been utilized to address the issue of harmful practices related to marriage. The media has an important role to make the active participation of women in all walks of life known to the public and to portray them as a role model. This contributes to stereotype behavior change.

34. All of these efforts are conducted within the framework of gender mainstreaming program put forward by Presidential Instruction No. 9 of 2000.

Violence against women

Reply to Question No. 6

35. Indonesia has been one among members of the UN which continuously supports the efforts to combat violence against women in all forms, including Female Genital Mutilation (FGM). Such support is shown during the discussions at various fora in the United Nations, such as CSW and Human Rights Council.

36. With regard to the practice of female circumcision (*sunat perempuan*) the following points will clarify the issue:

- It is indeed that in 2006, the Director General of Public Health Management issued a Circular Note that prohibits the medical personnel to perform female circumcision requested by parents.
- As female circumcision is perceived as part of religious belief, this practice continues to take place and such prohibition led parents who wish their daughters to be circumcised went to traditional medical practitioner (dukun/shaman). This put back girls in a more vulnerable situation as female circumcision was performed by non-medical personnel in various forms, some of which are very harmful and have no medical benefit. To some extent, a more harmful practice was experienced by girls due to the fact that dukun/shaman was those who usually perform male circumcision.
- On this matter, the Indonesia Council of Ulemas (Majelis Ulama Indonesia/MUI) in 2008 rendered a fatwa that the abolition of female circumcision is against syari'ah provisions. The circumcision for men or women is part of fitrah and Islamic syiar. The MUI provides limitation and is against harmful form of female circumcision.
- In light of that development, the Minister of Health issued regulation No. 1636 of 2010 which provides a set of safeguard for medical personnel in performing female circumcision that shall be conducted only by the request of parents. This regulation should not in any way be construed as encouraging or promoting the practice of female circumcision. However, the Minister of Health will review the implementation of the regulation with the purpose of ensuring its compliance with CEDAW.

37. Indonesia pays attention to the dynamic of the implementation of rights and freedom of its citizen, particularly with regards to the freedom to practice their religions and beliefs in a democratic society. Furthermore, certain traditional practices would continue to receive full attention from the government hence it would not be harmful to women and should be in line with various national and international standards on human rights, including the principle of the best interest of the child.

Reply to Question No. 7

38. Rape and sexual violence cases are genuine criminal acts in which the criminal proceedings cannot be terminated should the victims withdraw their case. The Penal Code provides strong protection to women, in which the perpetrators of such criminal acts are subject to six to twelve years prison sentence. The gravity of the sentence is also based on the judge's conviction following the hearing of victims'

and witnesses' testimonials and the examination of *visum et repertum*, expert's opinion as well as other evidences.

39. In handling violence against women, including rape cases, police investigators work together with relevant institutions such as NGOs and women organizations which provide services and assistance for the victims. Following the information gathering from the victims and their families, as well as other witnesses, including the explanation of the suspects, the investigators shall request for opinion from the psychologists in relations with the victims' trauma and contact shelters if the victims require safe places. The investigators can ask for legal assistance from the Association of Indonesian Advocate (Peradi) and Legal Aid Agency (LBH) which support the victims during the criminal proceedings from the investigations, prosecution and trial at the court.

Reply to Question No. 8

40. Law No. 23/2004 on Domestic Violence has provided stronger legal basis for the state's efforts in combating violence against women, especially domestic violence. This law has been followed-up through various measures, including the Ministerial Regulation of MoWECP, Chief of Indonesian National Police Regulation, as well as the establishment of the Coordination Network for the Elimination of Domestic Violence. Up to 2010, there have been 305 Women and Children Service Unit in Police stations, 43 Integrated Crisis Unit in police hospitals in Indonesia, 42 Women Crisis Centers, and 121 Integrated Services Center for Women and Children Empowerment (P2TP2A) in 18 Provinces.

41. Moreover, relevant stakeholders utilize the law as one of the basis for advocacy in combating violence against women. As it criminalizes the act of domestic violence and provides protection for the victims, the law provides legal certainty for the public to report the case and bring the perpetrators to justice.

42. To strengthen state apparatus' capacity in addressing the issue of violence against women as well as children, MoWECP has issued a Ministerial Regulation No.1/2010 on the Minimum Service Standard on Integrated Service for Women and Children Victims of Violence. The standard was formulated in cooperation with all stakeholders and is used for measuring the state's performance in providing the integrated services for women and children being the victims of violence. The MoWECP together with the Chief of National Police, the Attorney General, the Supreme Court, Komnas Perempuan, the Minister of Law and Human Rights and Association of Indonesian Legal Counsel (Peradi) have signed an MoU on Access to Justice for Women Victims of Violence to accelerate the advocacy processes on violence against women cases, among others through trainings for law enforcers.

43. The Minimum Service Standard sets out five types of services for the victims that are complaint handling; health service; social rehabilitation; legal aid and law enforcement; and repatriation and social reintegration. A set of manual for the implementation of this regulation was made available for all related government ministries at national and sub national level, as well as for the law enforcers.

44. Furthermore, an MoU between Legal Aid Institute for Women Protection (LBH APIK) and the General Attorney Office No. 001/MoU/LBH APIK Jkt/2009 on Training Program of Handling Cases of Violence against Women and Children was signed on January 30, 2009. This MoU is a significant breakthrough in Law

Enforcement Program. The main goal of this MoU is to guarantee that reinforcement of gender perspective law shall continue within the law enforcers themselves. Besides that, it aims at setting up special priority for handling cases of violence against women and children. Although the MoU was only for one year, both parties have agreed to continue this MoU as needed.

45. Indonesia remains committed to take any necessary step in order to combat violence against women. Under the pillar of the implementation of human rights norms and standards, particularly women's rights, The National Action Plan on Human Rights 2011-2014 provides strategies to improve the prevention of domestic violence and the protection and services for women and children victims of violence. This includes a series of awareness raising programs targeted to state apparatus and the public and the improvement of integrated services and advocacy for women and children victims of domestic violence.

46. Aside from that, MoWECP has established and disseminated a budgeting guideline on the handling of violence against women cases at Integrated Services Center for Women and Children Empowerment.

Trafficking and exploitation of prostitution

Reply to Question No. 9

47. The national task force for the prevention and handling of trafficking in persons with its regular meeting and annual reporting mechanism has a function in monitoring and evaluating the implementation of laws and regulations related to trafficking in persons by central and regional governments. Members of the task force comprise related ministries, institutions as well as NHRIs and NGOs.

48. It is correct that every local government has developed policies and regulations according to their specific conditions but all shall follow the guideline set by the national task force. Therefore, local regulations adopted by different local governments observe the common principles which are applicable nationwide, namely those contained in Law on the Eradication of Trafficking in Persons. This fact will ensure that cooperation among local governments at various levels in combating practices of trafficking in persons can be carried out.

49. With regard to strengthening cooperation among local governments, there have been several MoUs participated by seven provinces that provide basis for cooperation in a comprehensive manner in eradicating trafficking in persons and providing assistance to victims.

50. Several initiatives that contribute to the prevention of trafficking in persons include the Programs and Activities for Prevention and Handling of Criminal act of Trafficking in Persons in 14 government institutions' Strategic Plan; the enactment of the Minister of Women Empowerment and Child Protection regulation No. 9 of 2011 on Early Caution for the Prevention of Criminal Act of Trafficking in Persons; and the formulation of modules for trafficking victims and/or witnesses mentoring for trainers national and district/municipal levels. In addition, the Government is also working on the development of guideline on capacity development for the task force which is expected to be completed by 2012.

51. Moreover, in the efforts towards punishing the perpetrators of trafficking in persons, data shown by the Attorney General's Task Force on the Handling of Criminal Act of Terrorism and Trafficking in Persons Cases indicates that, during 2006-2010, there were 97 cases brought to trial. A number of 38 cases (39.70%) were adjudicated with reference to Law on Combating Criminal Act of Trafficking in Persons with the sentence up to 15 months prison and 1 billion rupiahs (equivalent to US\$110,000) fine, which was in the District Court in Indramayu, West Java. There were also cases that use multiple charges and resulted in 8 years prison sentence in the District Court in Cibinong, West Java. The remaining 59 cases (60.82%) use other laws as references, such as the Criminal Code, Law on Placement and Protection of Migrant Workers, Law on Child Protection, and Law on the Elimination of Domestic Violence.

52. Indonesia has adopted the National Action Plan on Combating the Criminal Act of Trafficking in Persons and Child Sexual Exploitation for the period of 2009-2014 through the Regulation of Coordinating Minister for People's Welfare No. 25 of 2009. The National Action Plan consists of several programs in the prevention, protection, and victims' assistance, including victims of prostitution, among others, (i) prevention and child participation, coordinated by the Ministry of Education, (ii) health rehabilitation coordinated by the Ministry of Health, (iii) social rehabilitation, repatriation, and reintegration, coordinated by the Ministry of Social Affairs, (iv) development of legal norms, coordinated by MoLHR, (v) law enforcement, coordinated by the National Police, (vi) coordination and cooperation, coordinated by Coordinating Ministry of People's Welfare.

53. One important note in handling cases in 2009 is the finding of best practice of providing service by the Integrated Services Center for Women and Children Empowerment in Sikka district, NTT. With the assistance from local office of Women Empowerment and Family Planning, the Center performed its functions well in the provisions of equipments, infrastructure and funding through Regional head decree published every year following yearly regional budgeting. This practice can be replicated by other Centers. A number of Centers have also provided skills training for victims of trafficking and prostitution.

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

Reply to Question No. 10

54. Indonesia is aware of its large number of human resource potential. Women, comprising 49.8% of Indonesian population, are also important actors towards national development. Therefore, Indonesia is of the view that women should also obtain significant portion in the agenda of development, especially their participation in politics and decision-making process. Not only to empower women as part of the community, it is also to fulfill their rights to participate in national development process.

55. With the fact that women are still minor part in the public decision-making bodies, Law No. 10 of 2008 on General Election and Law No. 2 of 2011 mandate political parties to include 30% women among their executive boards in central and regional levels and among their proposed candidates of legislator. The MoWECP is

now proposing a scheme of affirmative action for women in the upcoming General Election 2014 to ensure better representation of women in the parliament.

56. During the last National Election in 2009, the 30% of quota for women participation in politics as temporary special measures was mandatory. The measure was one of the requirements for political parties to join general legislative election, according to Law on General Election. They were required to include 30% of women in their proposed list of legislative candidates otherwise they could not proceed to participate in legislative election.

57. Efforts in women empowerment in politics have shown some positive developments. In the 2004 Election, 11.09% out of 560 members of parliament were women and in the 2009 Election the number increased to 17.86%. Moreover, a Women's Parliamentary Caucus has been established to actively collaborate with the government and civil society to promote the formulation of pro-women Law. At the executive level, women have held many positions such as president, governor, minister, high-ranking official, regent/vice regent, mayor/vice mayor, regional police chief, and district/municipality police chief. The overall percentage of men and women in public service is almost equal: 56% of men and nearly 44% of women.

58. Even though the temporary special measure has contributed to the progress of women participation, improvements need to take place. The MoWECP has created a handbook on guideline for improving women participation in legislative and executive, especially those in the regional levels. The handbook consists of general information on politics and democracy and the significance of women participation in that process. Furthermore, all stakeholders have been providing efforts to increase the electability and capacity of women in politics.

Reply to Question No. 11

59. The strategy of gender mainstreaming program as stipulated in the Presidential Instruction No. 9 of 2000 also applies to the area of handling the post-conflict and natural disaster reconstruction processes. The MoWECP had formulated a module on the role of women in disaster relief in 2008. The module serves as a basis for gender sensitized post-disaster management conducted by all stakeholders, including the process of decision making. In addition to that, it is also intended to reduce disasters risk to women in a more systematic manner. Indonesia also adopts a national strategy on access to justice in order to guarantee the participation of citizens in the decision making process that affect them without discrimination.

60. As a disaster prone country, disaster risk reduction and management is one of the priority agenda. The module and other law and regulation on disaster risk reduction and management provide basis for MoWECP, National Disaster Management Agency (*Badan Nasional Penanggulangan Bencana/ BNPB*) and other stakeholders to continuously raise awareness of the society on the role of women in this issue. At the moment, there is a high degree of attention and the involvement of women in disaster risk reduction and management throughout the country.

61. An Action Plan on the protection and empowerment of women in the event of armed conflict is being developed.

Nationality and citizenship

Reply to Question No. 12

62. Indonesia believes that the promotion and protection of the rights of the child, including the right to obtain an identity and nationality, are of great importance for the growth and development of children in Indonesia. Thus, the Government has carried out a number of legislative and practical measures in regards to birth registrations for children. Birth registration would significantly minimize the risk of exploitation and age and identity falsification which may pose issues for the children in later life.

63. Consequently, the Government enacted Law No. 23 of 2002 on Child Protection which defines that every child must be given an identity from birth. Article 28 paragraph (1) states "The issuance of a birth certificate shall be the responsibility of the government, and be carried out in practice at a level that is not lower than that of the village or sub-district". Moreover, Law No. 23 of 2006 regarding Population Administration, in particular in the Explication of Article 27 (2), mandates that the issuance of the birth certificate shall be free of charge. Up to 2011, a total of 283 districts/municipalities now have issued regional by-laws providing free birth certificates. Law No. 27 of 2006 on Citizenship also regulates that birth certificate shall be made available for all children. Further, eight relevant ministries recently signed an MoU regarding the acceleration of the issuance of birth certificate for the purpose of child protection, both for children living within the country or abroad.

64. At the practical level, during 2006-2011, the central government has provided stimulus fund for provincial and district/municipal governments administering the birth registration at the local level. Such effort would expectantly eliminate the retribution for birth certificate existing in several regions. According to Ministerial Regulation of MoHA No. 28 of 2005, a free birth certificate is given to those register within 60 days since birth of the child. The 60-day time limit would help protecting the rights of the people and assisting the government to update statistical data. Furthermore, birth certificate can also be issued by only indicating the name of mother in the document.

65. In raising the awareness of poor and rural women of the requirement about birth registrations and certificates, the Government continues to hold a campaign on "Birth Registration" through electronic and printed media, with the participation of the President and the First Lady. The dissemination of information on birth certificate also involves mass media at the national level, as well as NGOs at the grass roots level. In addition, such dissemination has been provided to all Primary Health Centers and sub districts.

66. Indonesia has fully implemented the principles of universality, permanence and sustainability in birth registration issue. These principles apply to both government who is obliged to provide good birth registration system and the public who are obliged to report any event related to child births.

Education

Reply to Question No. 13

67. Indonesia spares no effort to ensure equal rights between women and men in the field of education. This includes Indonesian national and sub national efforts to accelerate the achievement of MDGs in Indonesia.

68. As mentioned in Indonesia's MDGs report in 2010, Indonesia is on track to achieve the MDG targets for primary education and literacy. The country aims to go beyond the MDG education target for primary education by expanding the target to junior secondary education (SMP and *madrasah tsanawiyah*-MTs, grades 7 to 9) as the universal basic education targets. At the primary education level, disparity in education participation among provinces has been significantly reduced with the Net Enrollment Rate (NER) above 90% in almost all provinces.

69. Furthermore, progress has been achieved in increasing the proportion of females in primary, junior secondary schools, senior high schools and institutions of higher education. The ratio of NER for women to men at primary education and junior secondary education levels was 99.73 and 101.99 respectively, and literacy among females aged 15-24 years has already reached 99.85. As a result, Indonesia is on track to achieve the education-related targets for gender equality by 2015.

70. In the case of school drop-out rate, there has been a decreasing trend. The following are part of the government's efforts to reduce dropout rate in primary and secondary education:

- Giving scholarships to poor students;
- Implementing retrieval and remedial programs;
- Implementing special education in remote, marginalized, natural and social disaster areas, and for economically disadvantaged families;
- Providing A, B and C Packages which are equivalent to primary school (Package A), junior high school education (Package B), and senior high school education (Package C), for those who do not have an opportunity to obtain formal education;
- Inclusive education program for children with special needs.

71. The main challenge in accelerating achievement of MDG education target is improving equal access of children, girls and boys, to quality basic education. Government policies and programs to address this challenge include: (i) expansion of equitable access to basic education particularly for the poor; (ii) improvement of the quality, efficiency, and effectiveness of education; and (iii) strengthening governance and accountability of education services. The policy to allocate 20% of the national budget to the education sector will be continued to accelerate the achievement of universal junior secondary education by 2015.

72. Furthermore, some strategic steps to be carried out in education to enhance gender equality are as follows:

- Improve access and quality of education to reduce gender inequality among regions and among socio-economic groups through; (i) supporting students from poor families to continue their education through the provision of

scholarships; (ii) implementing policies that support disadvantaged regions and education units; (iii) allocating additional resources to underprivileged regions and education units; (iv) implementing affirmative education policies that are gender responsive at all levels of education; (v) developing instruments to monitor inequity between regions, the sexes, and social economic classes; and (vi) enhancing advocacy and capacity building for disadvantaged regions and education units

- Improve access and quality of gender responsive non-formal education. Focus will be given to improve knowledge and life skills particularly in income generating activities targeted to those who are unable to enroll in formal schooling.

73. Education on gender equality is already included in Indonesian curriculum taught in primary and secondary schools as part of in the subject of civic and character building, as stipulated in the Regulation of the Minister of National Education No. 22 of 2006. This regulation is the basis of curriculum standards for writing schoolbooks and teaching.

74. Indonesia has continuously reviewed and withdrawn gender-biased schoolbooks and teaching materials. As the same time, Indonesia also conducts trainings and awareness-raising programs periodically for school textbook writers and teachers to ensure the elimination of these stereotypical attitudes.

75. The government has encouraged education access for all to be made available and fulfilled by everyone. This is implemented by the increasing fund allocated for education as required by national legislation, as well as School Operational Assistance to all schools in Indonesia. Budget allocation in education from 2005-2010 can be seen in Annex 2.

76. Concerning specific cases where children prefer to work in farming which causes them to drop out, the government has put efforts to overcome the matter in the context of poverty eradication and promoting child education taking into account the best interest of the child. There is no legislation or law which specifically regulates that a pregnant teenage girl should be dropped out. Such practice is based on the decision made locally by the respective school. In this regard, Indonesia continues its effort to reduce dropout rate, including by implementing special education for the marginalized.

Health

Reply to Question No. 14

77. The Government has been continuously increasing its national budget on health over the last couple of years. In 2003, budget allocation for health was IDR 6,63 trillion (around US\$ 0.74 billion), while in 2010 it increased quadruple to IDR 21,95 trillion (around US\$ 2.377 billion). Indonesian public health expenditure has achieved 70% of the WHO recommendation, which is US\$ 35-40 per person per year (see Annex 3).

78. Enhanced services for reproductive health directed for teens as an integrated part of family planning program continues to be provided. Such activities have contributed to the increasing knowledge, attitude and behavior of teenage regarding

their reproductive health, HIV/AIDS, narcotics, psychotropics, and other addictive substance. It will also provide wider access to reproductive health service for teens and the preparation of family life as well as life skills of the teens will eventually improve.

79. Moreover, since 2003, school health program (*Usaha Kesehatan Sekolah/UKS*) has been conducted in most schools in Indonesia, as part of the national strategy to provide basic health facilities and services; to educate proper health related knowledge, including HIV/AIDS and drug abuse; and to raise awareness to the important of health living to all students at all levels of education. This has been stipulated in Joint Ministerial Regulation between the Minister of National Education, Minister of Health, Minister of Religious Affairs and Minister of Home Affairs.

80. Indonesia has been consistently taking measures in ensuring the fulfillment of right to reproductive health, including protection from HIV/AIDS and other sexual transmitted diseases. Measures taken include improvement of access of public health services so that health personnel and related stakeholders have the necessary skills and resources to anticipate and respond to the epidemic; enhancement of community mobilization to improve HIV/AIDS prevention, care and treatment interventions; and mobilization of additional financial resources for a successful HIV/AIDS strategy. Moreover, cross-sector coordination and good governance have consistently improved, and information, monitoring as well as evaluation systems are strengthened.

81. Law on Health of 2009 is part of the Government's effort to fulfill the reproductive right and health of married couple, as clearly stipulated on Article 72. This Law has never been directed to prevent unmarried women from accessing any information and service on family planning and the same article (72d) also specifies that everyone has the right to receive proper information, education and counseling on reproductive health. Various information, including on contraception, is accessible through public campaign conducted by the government or any public discourses. This is one of the efforts to fulfill the rights to reproductive health for teenagers or unmarried couples.

82. Nowadays, access to family planning service and contraception is even available for free for women in Aceh, Papua, Maluku, North Maluku, West Papua, and East Nusa Tenggara. Reproductive health education has also been developed as one of the subject taught at schools through the locally developed curricula in West Java, South Sumatra, West Nusa Tenggara, East Nusa Tenggara and West Kalimantan. Even more, in order to address the significant increase of HIV/AIDS cases, the Provincial Government of Papua has developed a local curriculum on reproductive health education. At this point, reproductive and sexual health-related issues have been introduced and included in primary, secondary and high schools' subjects, particularly in Science and Biology, Sport and Healthy Living (*Pendidikan Jasmani*), Social Science and Religion. Similar programmes have also been widely conducted by NGOs and media.

Reply to Question No. 15

83. Indonesia consistently supports and will always contribute to the global effort in combating maternal and infant mortality, including the UN Secretary-General's initiative of Every Women Every Child. Our steady support has been greatly

appreciated during the Secretary-General's visit to South Kalimantan and Bali in 2011.

84. In order to achieve the MDGs target for accelerated reduction in Maternal Mortality Rate (MMR), the Government of Indonesia made a breakthrough by establishing the Delivery Insurance Program (*Jaminan Persalinan/Jampersal*). This insurance guarantees the financing of antenatal services, delivery assistance by health personnel, and postpartum services, including maternal care of newborns, postpartum family planning services, as well as exclusive breastfeeding counseling. The program is targeted to all pregnant women who do not have health insurance and who want to use basic service facilities, such as delivery personnel, community health centers and their networks, as well as third-class hospital referral. It is implemented gradually and estimated to achieve 4.6 million deliverance rates every year. Percentage of delivery by health personnel during 2010 can be seen at Annex 3.

85. In addition, the Government has improved facility based outreach service by increasing the quality and number of community health centers; implementing Basic Neonatal Obstetrics Emergency Service (BNOES) at community health centers and Comprehensive Neonatal Obstetrics Emergency Services (CNOES) at general hospitals; building maternal and infant hospitals; as well as revitalization of integrated local health service centers.

86. One concrete example on the outreach service is the implementation of Birth Planning and Complication Prevention Program since 2010. Facilitated by midwives in villages and rural areas, this program is aimed at enhancing the husband, family, and community's role in preparing a safe delivery for pregnant women, including by preventing complications during delivery which can be fatal to both mother and baby, as well as contraception counseling. Using simple technique of collating special stickers in front of the house of mother-to-be, proper interventions can be provided immediately in order to prevent and reduce maternal mortality.

87. Moreover, the Government has also increased health personnel capabilities, both in quantity and quality, and their distributions (general practitioners, specialists, midwives, and paramedics), particularly to meet the needs of health workers in remote area, border and remote islands, through pre-service and in-services training for strategic health personnel, and implementation of contract-based health personnel. Partnership program with traditional birth attendant has been conducted as well in order to enhance their capacities. Further, Women Health Foundation has provided a number of scholarships to the daughters of traditional birth attendants to pursue a degree in midwifery.

88. Operation for Health Assistance (*Bantuan Operasi Kesehatan/BOK*) has also been rendered to many community health centers, village health centers, as well as integrated service health centers all over Indonesia.

Reply to Question No. 16

89. The Government has the obligation to protect and prevent Indonesian women from unsafe, illegal and irresponsible abortion. Nevertheless, in the case of rape and when pregnancy is harmful to the mother's life and/or health, abortion is allowed as specified in Article 75 of Law No. 36 of 2009 on Health. This Law and such related provisions have also been disseminated continuously to medical personnel, relevant stakeholders, and public.

90. Abortion is categorized as a medical treatment which potentially harms and endangers the life of a mother. Similar to other medical treatments which risk the life of an individual, abortion requires the consent between herself and her husband, and is carried out by the qualified medical personnel. This reflects the mutual consent and responsibility within family.

91. In marital relationship, Indonesia in principle holds that women and men are equal. This is stipulated in Law No. 39 of 1999 on Human Rights particularly Article 51, which states that wife and husband in marital relationship have equal rights and obligation regarding all matters related to their marriage life.

Employment

Reply to Question No. 17

92. Since the establishment of National Action Committee and its Action Plan on the Elimination of the Worst Forms of Child Labor in early 2000s, national efforts to combat child labour have been systematically implemented. Currently, 30 Action Committees have been established at the provincial level, and 150 Action Committees at the district/municipality level. The Elimination of Child Labor Program has been included in the National Medium-Term Development Planning program for the period of 2010–2014. Furthermore, the Government has carried out the Program of Child Labor Reduction — Family Hope Program since 2008. This Program has been successful to return 4,945 child labour in 2008, 3,000 in 2010 and 3,360 in 2011 to schools.

93. Articles 68-75 of Law No. 13 of 2003 on Manpower ensure that employers who violate the provisions on employing children shall be prosecuted.

94. Indonesia is currently in the process of ratification of the Optional Protocol to the Convention of the Rights of the Child on Sale of Children, Child Pornography, and Child Prostitution. This will strengthen the national laws and regulation in the protection of children from involving in labour, including girls as domestic and sex workers.

Women migrant workers

Reply to Question No. 18

95. Indonesia welcomes and encourages the Committee to continue to allocate its attention to the issue of migrant workers during the Committee's constructive dialogue with State Parties. Indonesia attaches great importance to this issue and views that countries of origin, transit, and destination assume responsibility in the protection of the rights of all migrant workers and their families. To nurture global attention to this issue, Indonesia with countries having similar concern on the issue, initiate bi-annual UN General Assembly resolution on violence against women migrant workers.

96. At present, more than 3 million Indonesians live abroad and most of them are migrant workers. A large number of them are women working in informal sectors. This number is around 3% from a total of 119.4 million Indonesian work forces counted in early 2011.

97. The problems that Indonesian migrant workers face, especially those working as domestic workers, are mostly related to unpaid salaries, physical violence, sexual abuse, overload working, working inconsistent with contract, overload working hours, illness, and conflicts with employers or other employees. They also face challenges in every step of migration, such as the manipulation of documents during the recruitment process; the minimum protection from the domestic law and the lack of respect from the tradition of some receiving countries to Indonesian migrant workers; and the high cost repatriation process.

98. In addressing such problems and challenges, various legislative, administrative, institutional and other measures have been in place. They are, among others, the ongoing process of ratification to the International Convention of the Protection of the Rights of All Migrant Workers and Members of Their Families, the enactment of Presidential Instruction No. 1 of 2010 on Acceleration of National Development Priority 2010 and the establishment of Integrated Team for the Protection of Indonesian Migrant Workers Overseas. Indonesia is also in the process of revising Law No. 39 of 2004 on the Recruitment and Placement of Migrant Workers Overseas.

99. Furthermore, to improve protection for the rights of migrant workers, the Indonesian Government is evaluating the existing legal protection frameworks in each country of employment which include its respective national legal provisions and their observances, existing bilateral agreements, as well as regional and multilateral protection frameworks applicable in these countries.

100. The following steps are also taken to optimize efforts in providing protection for Indonesia Migrant Workers including domestic workers:

- Prevention, it includes integral coordination to ensure that recruitment and placement procedures are in accordance with the prevailing laws and regulations, the improvement of database system management and dissemination of information on the services and protection of Indonesian migrant workers.
- Early Detection, it includes providing Citizen Service and hotline services in receiving countries with high concentration of Indonesian migrant workers, as well as encouraging them to conduct Mandatory Consular Notification.
- Immediate Response, it includes rapid handling of violation/violence cases, providing legal aid and advocacy to victims, establishing temporary shelter and providing religious and psychological counseling as well as health assistance.

101. Indonesian Government regularly verifies the activity of a number registered Migrant Workers Agencies all over Indonesia. A measure of black-listing agencies violating migrant workers' recruitment and placement procedures is implemented. The list is made known to the public among others through printed media. The Government has terminated the license of 130 Agencies, out of 570 Agencies, which violated the laws and regulations concerning the recruitment and placement process of migrant workers in 2010. Several blacklisted Agencies have also been brought to trial.

102. The government has identified that problems encountered by migrant workers abroad are mostly interlinked and rooted from their preparedness and correct

procedures before departure at home country. In this regards, a standardized pre-departure and skill training have been undertaken, while improvement in the execution is necessary. It includes the supervision of skill training provisions as well as its competence, and the implementation of welcoming program on the destination countries.

103. In relations to creating jobs and self-employment opportunities to women within the country, the increasing number of workers in the service sector and progress in women's education has, among other factors, contributed to the increasing growth of employment opportunities for women. Indonesia continues to improve the quality of job opportunities as it results in a reduction in the proportion of self-employment workers and family workers (generally in the informal sector to whom most are women) to total employment. During the periods of high economic growth (1990-1997 and 2004-2008), the ratio of employment opportunity (in the informal sector) has declined by 0.2% per year as women living in rural areas left low-quality jobs.

104. Several programs have been put in place to empower women's economic participation, including for those who are self-employed and family workers. Providing access to microcredit/venture capital, community-based support groups, training and capacity building are the examples that are dedicated to build women's economic capacity.

105. New ventures in the economic empowerment of women are the use of information, communication, and technology (ICT), especially for women in rural and urban area to access market. Currently, Micro Small Medium Enterprises (MSMEs) also begin to see the use of social media and internet as a place to offer small scale and home industry products, in which 73% of micro enterprises are owned and operated by women at home. Moreover, the Indonesian Ministry of Trade has started to include gender consideration in the establishment of a "creative industry", by providing training on innovation, product quality and good packaging practices.

106. Indonesian government has also implemented the National Community Empowerment Program, especially in underdeveloped regions. This program supports the construction of economic and social infrastructure that is desired and needed by the communities. Thus, such program enables women small-entrepreneurs to access trainings and workshops as they require.

Women belonging to minority groups

Reply to Question No. 19

107. Indonesia attaches great importance to the fulfillment of the rights of any groups to culture and religion, especially in the protection of women from act of discrimination, violence, and sexual intimidation. In this regard, the diversity of ethnic groups, religions and/or beliefs, and ethnic languages which are also compounded in inter-ethnic marriages has made the concept of minority is rather difficult to be implemented in Indonesia. Moreover, there are more than 700 hundreds languages spoken by different communities in Indonesia but none are treated as linguistic minority.

108. On the issue of “religious minority”, particularly on the protection towards the Ahmadiyah followers and certain Christian community, any act of discrimination, violence and intimidation on any ground is prohibited in Indonesia. In this regards, Indonesia has made a number of efforts to promote human rights and culture of tolerance, as well as to ensure the protection of religious group through all necessary legal instruments, frameworks, and national policies. Especially for Ahmadiyah, there has been a Joint Decree from Three Ministers that prohibits people to act unlawfully against members of Ahmadiyah. As in the case involving violence against Christians, the authorities have taken necessary transparent legal process to ensure that those involved are brought to justice.

109. Steps taken to ensure the general population, including women, to freely determine how to practice their culture and religion includes regulation and administrative measures, as follows:

- Revoking Presidential Instruction No. 14 of 1967 on the Prohibition of Religion, Beliefs and Customs of Kong Hu Chu;
- Enacting Presidential Decree No. 56 of 1996 on Indonesian Nationality Documentation, Presidential Instruction No. 26 of 1998 on the Elimination of the Use of Terms Natives and Non Natives and Presidential Decree No.19 of 2002 on determining Lunar New Year as a national holiday; and
- Issuing Instruction of the Minister of Home Affairs No. 25 of 1996 on Implementation Guideline of the Presidential Decree No. 56 of 1996, one of which regulates the revocation of bylaws that oblige the submission of Nationality Documentation for Chinese and its descendants for civil administration purposes.

110. Indonesia, under the guideline of the National Action Plan on Human Rights 2011-2014, continues to promote the culture of tolerance, non-violence, as well as the rule of law, through awareness raising and education on human rights. Such measures applied to government officials, legislators, law enforcers, and the general society.

Women affected by the conflict

Reply to Question No. 20 & 21

111. Indonesia always encourages efforts for peaceful conflict resolution and supports women’s role in the process of creating peace and security. Various measures have been taken in relations to prevent conflicts and address the effects of social conflicts to general population, especially women.

112. Indonesia has paid more attention to the act of sexual and physical violence experienced by women in peaceful situation. The same portion of attention is also given to the act of sexual violence which women suffer in conflict situation.

113. Regarding the social unrest taking place in Papua last September, MoWECF representative office in Papua reported that the situation of women and children in Papua and West Papua were not quite affected during the incident as they were able to carry out routine daily activities. In general, socially, the incident has not disrupted the activities conducted by the Papuan although there was an increasing political tension. In this regard, the provincial government of Papua is concerned

with the overwhelming media reporting on the incident which have frightened the public, particularly women and children. To address this, MoWECP has requested the Ministry of Communication and Information and Indonesian Broadcasting Committee to provide the public with balanced and accurate information on the issue of Papua.

114. The development of the Province of Papua and West Papua in the context of the decentralization process is not without any obstacle. Yet the Government has carried out numerous steps to support the process; one of which is by establishing Papua and West Papua Development Acceleration Unit in 2011 which focuses on the social and economic development. The Unit reports directly to the President and consists of cross-sectoral governmental institutions.

115. The effort in waging peace should nurture an environment that accommodates the contribution of women to conflict prevention. That would mean, among other things, enhancing women's participation in decision-making processes, building a culture of peace that respects life, and promoting a way of life that values non-violence and dialogue and is characterized by cooperation and social responsibility.

116. Indonesia is of the view that various international frameworks on women are complementary and mutually reinforcing in the promotion and protection of women's rights, including in conflict situations. The Beijing Declaration and Platform for Action that addresses women and armed conflict should continue to be implemented. Furthermore, Indonesia noted that the implementation of resolution 1325 (2000) and its sister resolutions have paved the way for the mainstreaming of the gender perspective in United Nations peacekeeping operations and missions worldwide. In this context, Indonesia continues its effort to enhance women's participation in peace processes, including by sensitizing Indonesian UN Peace Keeping Operation contingents on the issue of women, peace and security.

Women's human rights defenders

Reply to Question No. 22

117. To the best knowledge of the Government, there has been no issue in Indonesia related to gender-based violence against female human rights defenders.

Marriage and family relations

Reply to Question No. 23

118. There has been tremendous progress in Indonesia with regards to women's rights which led to a de facto equality between women and men in various aspects of life including in family. Such progress includes the recognition of human rights as a constitutional right, as well as a dedicated chapter in the Law on Human Rights regarding women's rights.

119. This brought about conducive atmosphere for the protection of women's rights as well as public discourses to advance women's interest in the national development agenda. This includes the discourse to revise Law on Marriage to better reflect the current situation of the advanced protection of women's rights in

Indonesia. Further, the issue of domestic violence, including those caused by marital relationship such as marital rape, is further regulated in Law No. 23 of 2004 on Domestic Violence. The protection for women and men in marital status is also stipulated in other relevant national laws, such as Law on Child Protection and Law on Citizenship. These laws and subsequent regulations are substantially aimed to eliminate all forms of discrimination against women in marital or family relation.

120. Members of Indonesian Parliament play a significant role in guaranteeing that national legislations are in line with the 1945 Constitution and other laws including Law No. 7 of 1984 on the ratification of CEDAW. They also possess budgeting authority to guarantee that state allocates sufficient fund for the development of women. Another power that the parliamentary has is to propose bills. In this regards, the Parliament has taken over the government's initiative on Bill on Gender Equality, which was initially due in 2011, and has prioritized its deliberation in 2012. A lengthy discussion of the Bill on Gender Equality reflects seriousness of political party elites in viewing gender perspectives in development. Given the fact that continuous effort to sensitize women issues is essential, a number of members of Indonesian House of Representatives have also undertaken several activities to promote discussion including through the role of Women Caucus in Parliament.

121. In the case of Aceh, having reached a peace settlement, the government is committed to accelerating development through special autonomy that recognizes the cultural and economic privileges of Aceh Province, particularly its Islamic values, adopted by Law no. 11 of 2006 on Aceh Government. The Law includes the establishment of a number of Islam-based institutions that remain subject to national law. Those are: Sharia Court, Ulama's Consultative Assembly, *Qanun* and Sharia police, as well as *Wali Nanggroe* institution as a cultural symbol. The Law also regulates the establishment of Aceh-based political parties, Independent Election Commission (KIP) and the management of natural resources by the Aceh government. This practice is different from the practices in other provinces and therefore it is special and distinctive.

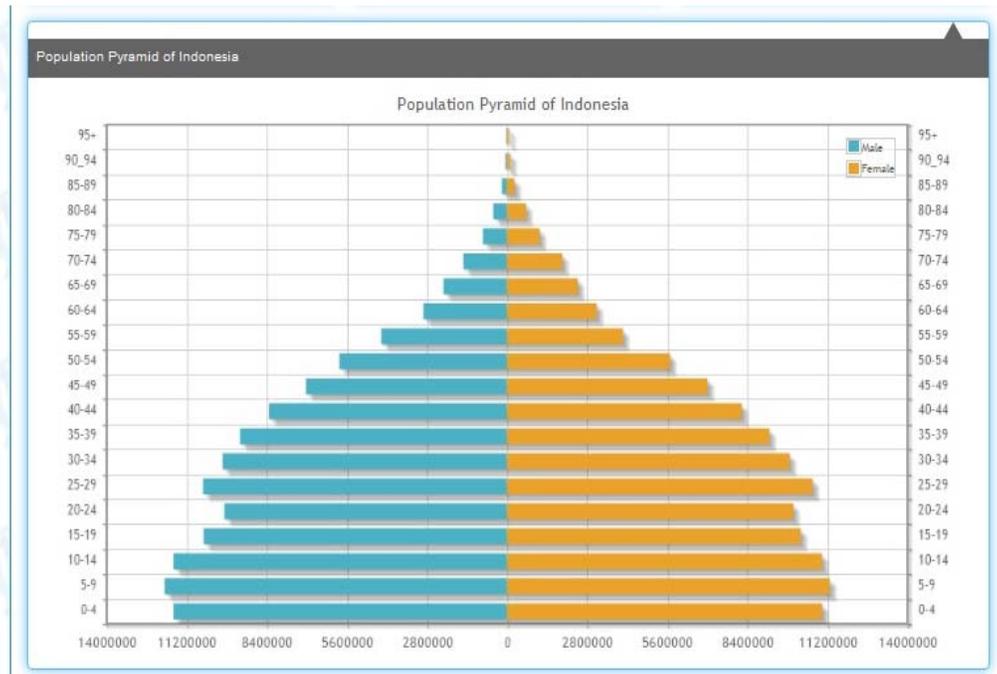
122. The annulment of gender bias by-laws and withdrawal of all gender-based discriminatory provisions require a systematic comprehension of gender perspectives amongst the law makers. In response to that, trainings on gender perspectives and analysis have been given to state apparatuses and other stakeholders in various provinces including Aceh. As soon as Bill on Gender Equality is passed, there is hope that it can be used as a legal basis to the withdrawal of gender discriminatory laws and provisions.

123. Furthermore, to promote gender-sensitive and non-discriminatory legislations, MoWECP together with MoLHR and MoHA on 22 December 2011 have launched Gender Equality Parameter for legislators and policy makers. This serves as a guideline and tool of analysis to establish legislation, starting from the formulation of Academic Paper/Urgency Paper, drafting of the legislation, and the discussion on the draft among stakeholders. The MoHA which is responsible for the issues related to the establishment of local regulation has approved this guideline to be used for the formulation process of by-laws.

Annex 1

Screenshot of BPS website (<http://sp2010.bps.go.id/index.php/site/index>) on disaggregated data by sex.

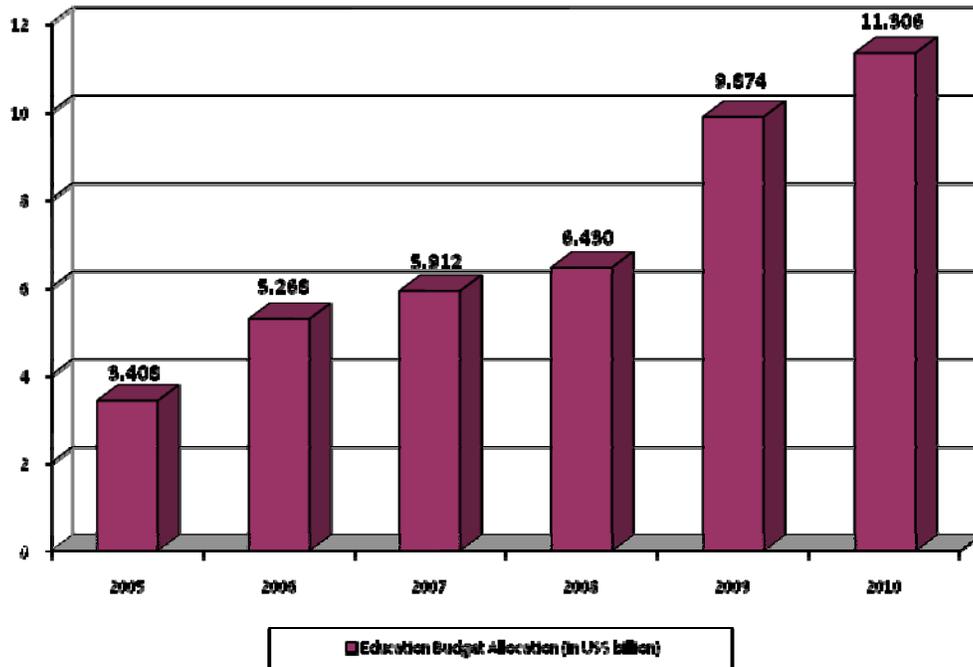




Annex 2

Education budget allocation

2005 – 2010 (in US\$ billion)

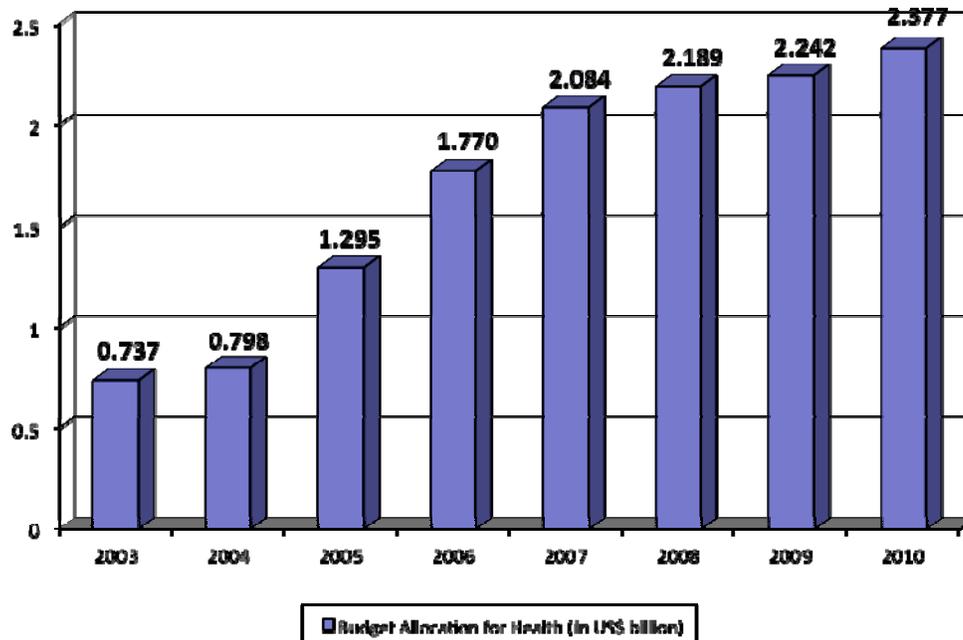


Source: Ministry of National Education of the Republic of Indonesia, 2010.

Annex 3

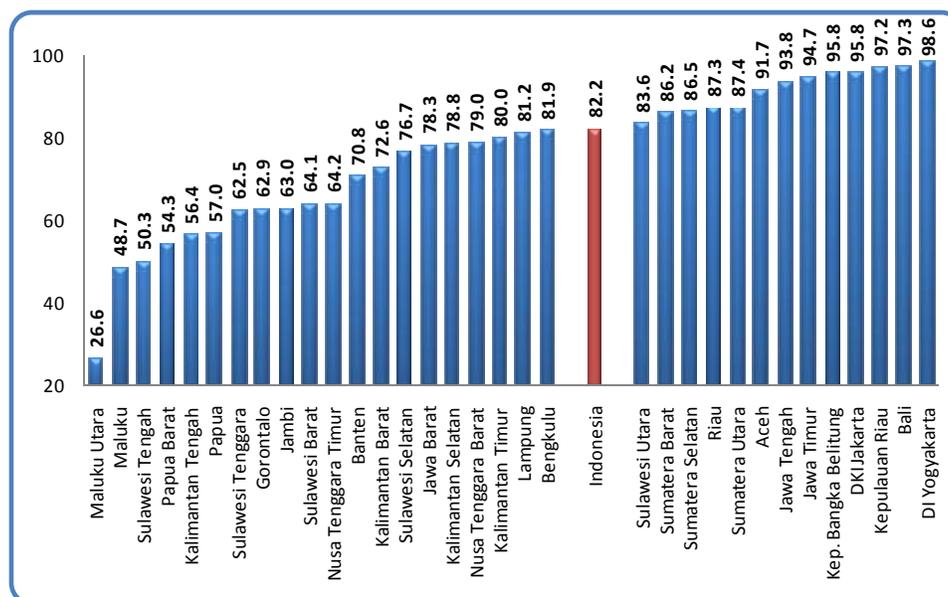
Health budget allocation

2003-2010 (in US\$ billion)



Source: Ministry of Health of the Republic of Indonesia, Basic Health Research of Indonesia 2010.

Percentage of delivery by health personnel in 2010



Source: Ministry of Health of the Republic of Indonesia, Basic Health Research of Indonesia 2010.