



**General Assembly**

Distr.  
GENERAL

A/HRC/WG.6/1/IDN/1  
11 March 2008

Original: ENGLISH

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HUMAN RIGHTS COUNCIL  
Working Group on the Universal Periodic Review  
First session  
Geneva, 7-18 April 2008

NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15(a) OF THE  
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\*

**Indonesia**

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\* The present document was not edited before being sent to the United Nations translation services.

<b>GENERAL INFORMATION ON INDONESIA</b>			
Government Administration			
Provinces: 33	Regencies/Cities:476	Districts: 5,641	Sub-districts: 71,555
Size of territory: 1.860.360 km <sup>2</sup>			
Number of islands: 17508			
Population: 222.192.000 (Data of 2006) 236.400.000 (2008 projection)			
a. Based on sex (data of 2005):		b. Based on Location (data of 2005):	
1) Male : 109.834.857		1) Urban : 94.782.000	
2) Female : 109.370.143		2) Rural : 124.423.000	
Gross Domestic Product (in millions of Rupiah): 1,846,654,900 (data from the Central Bureau of Statistics/BPS 2006)			
National Budget: 380,400,000 (in millions of Rupiah)			
a. Domestic Revenue: 379,600,000		b. Grant: 800,000	
Budget for the Education sector (in millions of Rupiah): 21,721,878			
a. National Budget: 20,689,260		b. Foreign Loan: 1,032,618	
Income per capita (in Rupiah): 15,033,400			
Illiteracy rate: 16.9 million (based on data of 2006 for cities and villages)			
Men: 5.437.749.25,44 (4, 88)		Women: 11.441.788.149,65 (10, 33)	

## I. Introduction

1. In line with the recommendations of the 1993 Vienna Declaration and Program of Action, and from the outcome of the Second National Workshop on Human Rights organized by the Indonesian Government in close cooperation with the National Commission of Human Rights and the United Nations' Center for Human Rights on 24-26 October 1994, the Indonesian Government adopted the First National Action Plan on Human Rights for the period 1998-2003, which will be renewed every five years. In 2004 the Government launched the Second Plan for the period 2004-2009, with one of its six pillars strengthening the implementing agencies of the Plan both at the national and regional levels.

2. The National Action Plan on Human Rights includes concrete measures to be undertaken by the Government over a five-year period for the promotion and protection of human rights, in accordance with cultural, religious and traditional values, and without discrimination as to race, religion, ethnicity and faction. In total, there are 436 implementing committees at the provincial and regency/city levels located in 33 provinces all over Indonesia. These implementing committees are mandated to provide input on the situation of the promotion and protection of human rights on the ground in their respective regions.

3. The implementing committees have also been entrusted with the mandate of ensuring that the regional regulations of the local governments at the provincial and regency/city levels are in

compliance with the human rights instruments that have been ratified by Indonesia. This principle is in line with Article 5 (2.b) of Presidential Decree No. 40/2004 on RAN-HAM for 2004-2009, and with Law No. 10 of 2004 on the Rules to Draft National Legislation which, *inter alia*, should be adjusted with higher legal products and should not contradict public interests.

4. To this end, the Ministry of Law and Human Rights holds training programs on a regular basis for regional parliaments on the formulation of human rights-oriented regional regulations.

5. In accordance with the network of implementing committees of the National Action Plan, the Indonesian reporting process under the Universal Periodic Review mechanism was carried out by an inter-agency task force, coordinated by the Department of Foreign Affairs (DFA). The Task Force also conducted a series of consultations with various national civil societies in close collaboration with the Human Rights Working Group. In this regard, consultations were convened on 29 January 2008 and 5 February 2008 in order to obtain an accurate picture of the status of the promotion and protection of human rights in Indonesia. Due to the time constraints, the Government (i.e. the DFA) was only able to conduct consultations with a number of civil society organizations in the Province of Nangroe Aceh Darussalam (NAD) on 23 February 2008. After the submission of the report, the Government will disseminate information on the UPR obligations to all implementing agencies of the National Action Plan on Human Rights in 33 provinces under the coordination of the Ministry of Law and Human Rights, the Ministry of Home Affairs, and the DFA, respectively, as Chair and Vice-Chairs I and II of the national implementing agencies, as well as to a number of other national civil society organizations.

### **The blueprint for Human Rights in Indonesia**

6. The blueprint for human rights in Indonesia is reflected in the First National Action Plan on Human Rights for the period 1998-2003, followed by the Second Action Plan for the period 2004-2009, one of whose six pillars is to strengthen the implementing agencies of the Plan at the national and regional levels. Other pillars include: the preparation for ratification of international human rights instruments; harmonization of national legal institutions and legislation in accordance with international human rights instruments; education and dissemination of human rights; implementing human rights standards and norms; and monitoring, evaluation and reporting. This blueprint is aimed at promoting a culture of respect for human rights that is in line with Indonesia's commitments to various international human rights instruments.

## **I. INSTITUTIONAL AND LEGAL REFORMS**

### **A. Amendments to the 1945 Constitution and the establishment of a Constitutional Court**

7. A series of constitutional amendments were carried out in 1999, 2000, 2001 and 2002 in order to strengthen the democratization process as well as respect for human rights and the rule of law in Indonesia. One important result of the constitutional amendments relates to the State guaranteeing the promotion and protection of human rights in Indonesia, which covers a wide range of rights, namely civil, political, economic, social and cultural rights. These rights, which fall into two categories – civil and political rights; and economic, social and cultural rights – are enshrined in the Bill of Rights (the Universal Declaration of Human Rights, the International

Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights).

8. The establishment of a Constitutional Court. This measure was aimed at ensuring that the values and norms guaranteed in the amended Constitution are strictly implemented through a series of substantive and procedural national legislations. Article 51 paragraph (1) of the Constitutional Court of Law stipulates that the Legal Standing of the Petitioner shall be constituted by the parties which deem that their constitutional rights and/or authority are infringed by the coming into effect of a law, namely:

- a. Individual Indonesian citizens;<sup>i</sup>
- b. Customary law community units insofar as they are still in existence and in line with the development of the communities and the principle of the Unitary State of the Republic of Indonesia as regulated in law;
- c. Public or private legal entities;
- d. State institutions.

## **B. Legislation**

9. Reviewing laws and regulations which are not in line with the spirit of the amended Constitution and human rights standards. This includes for instance: the abrogation of the infamous 1969 Anti-subversion Law in 1999 through Law No. 26/1999; the repeal of Articles 154 and 155 of the Indonesian Criminal Code, based on the historical review of the Indonesian Criminal Code as a product of Dutch colonial rule, namely the *Wetboek van Strafrecht voor Nederlandsch-Indie* (*Staatsblad* 1915 Number 732), which no longer conforms to the spirit of the state of Indonesia as an independent State as well as a democratic and constitutional State.

10. Enactment of Laws and Regulations with Human Rights Perspectives:

- Article 28 of the 1945 Constitution (Amendments of 2002);
- Ratification of all ILO core Conventions;<sup>ii</sup>
- Law No. 23/1992 on Health;
- Law No. 3/1997 on Juvenile Courts (A Bill on the Revision of this Law is currently under deliberation which purports to increase the minimum age requirement for the penalization of children from age 8 to age 12);
- Law No. 9/1998 on Freedom of Opinion in Public;
- Law No. 22/1999 on Regional Autonomy;
- Law No. 37/1999 on Foreign Relations;
- Law No. 39/1999 on Human Rights (also ensures the independence of the Komnas HAM);
- Law No. 21/2000 on Labor Association;
- Law No. 26/2000 on Human Rights Courts;
- Law No. 2/2002 on the Separation of the National Police from the Military;
- Law No. 23/2002 on Child Protection;
- Law No. 24/2002 on International Treaties;
- Law No. 30/2002 on the Commission for the Elimination of Crimes of Corruption;
- Law No. 13/2003 on Employment;
- Law No. 20/2003 on the National Education System;

- Law No. 17/2004 on the National Development Plan (Rencana Pembangunan Nasional/RPN) 2005 – 2025;
- Law No. 23 /2004 on the Elimination of Domestic Violence;
- Law No. 32/2004 on Local Governments;
- Law No. 39/2004 on the Placement and Protection of Migrant Workers;
- Law No. 12/2006 on Citizenship;
- Law No. 13/2006 on the Protection of Witnesses and Victims;
- Law No. 23/2006 on Population Administration;
- Law No. 21/2007 on Combating Criminal Acts of Trafficking in Persons;
- Law No. 24/2007 on Natural Disaster Management;
- Law No. 2/2008 on Political Parties;
- Government Regulation No. 9/2008 on Procedures and Methods for Integrated Services for witnesses and victims of trafficking in persons;
- Presidential Decree No. 50/1993 on the National Human Rights Commission;
- Presidential Decree No. 6/2000 on the Withdrawal of Presidential Instruction No. 14/1967 on Religion, Belief and Chinese Customs;
- Presidential Decree No. 59/2002, on the National Action Plan to Combat the Worst Forms of Child Labor;
- Presidential Decree No. 87/2002, on the National Action Plan to Combat the Commercial Sexual Exploitation of Children;
- Presidential Decree No. 88/2002, on the National Action Plan to Combat Trafficking of Women and Children;
- Presidential Decree No. 40/2004 on National Plan of Action for Human Rights;
- Presidential Decree No. 81/2006 on the Establishment of a National Board for the Placement and Protection of Migrant Workers;
- Draft Presidential Decree on the National Program For Children by 2015 (covering four areas, namely; education, health, HIV/AIDS, protection);
- Presidential Regulation No. 7/2004 on Mid-Term and Long-Term Development Planning (Rencana Pembangunan Jangka Menengah Nasional /RPJMN) 2004-2009;
- Draft Presidential Decree on the Establishment of the National Task Force Against Trafficking in Persons;
- Presidential Instruction No. 9/2000 on Gender Mainstreaming;
- Presidential Instruction No. 6/2006 on Policy Reform on the Placement and Protection of Migrant Workers;
- Legislation enacted in relation to Indonesia's ratification of and accession to several human rights instruments (Convention on the Elimination of all forms of Racial Discrimination (Law No. 29/1999), CEDAW (Law No. 7/1984), ICCPR (Law No. 12/2005) and ICESCR (Law No. 11/2005), Convention against Torture (Law No. 5/1998), Convention on the Rights of the Child /CRC (Presidential Decree No. 36/1990);
- Indonesia is also a Signatory to the International Convention on Migrant Workers and Their Families; and the International Convention on the Protection of Persons with Disabilities.

#### **Institutional democracy and good governance:**

- Law No. 22/1999 on Regional Autonomy and Law No. 32/2004 on Local Government;

- Law No. 2/2002 on the Separation of the National Police from the Military, making it a more effective law enforcement body;
- Ratification of the Convention against Corruption through Law No. 7/2006;
- A package of political legislation and laws as well as their amendments;
- Relieving the military of all socio-political functions, including their representation in Parliament. (Moreover, the military has been carrying out internal reform within the new framework of civilian-military relations).

### **C. The creation of national human rights institutions through relevant laws**

11. The National Human Rights Commission (KOMNAS HAM), initially established through Presidential Decree No. 50/1993 and further reinforced through Law No. 39/1999 on Human Rights, aims to ensure and strengthen its independence in accordance with the Paris Principles of 1991.

12. Under the said law, members of the Commission are appointed by Parliament: with stipulations that they are to have four core functions, namely: research and study, dissemination, monitoring, and mediating. Moreover, under Law No. 26/2000 on the Human Rights Court, KOMNAS HAM is assigned as an independent investigating/*pro-justitia* institution for cases of serious human rights violations.

13. In an effort to strengthen its capacity and role, particularly in monitoring and reporting as well as in investigating any alleged human rights violations, especially regionally, KOMNAS HAM has established a number of regional offices. Until recently, regional offices of the KOMNAS HAM only exist in Papua, West Sumatera, West Kalimantan, Sulawesi (Palu) and Nanggroe Aceh Darussalam.

14. Aside from the KOMNAS HAM, the Government of Indonesia also set up a number of national institutions to deal with various human rights issues (among others, KOMNAS PEREMPUAN or Commission on Women and Commission on the Protection of Children) as well as other similar commissions. The aim is to strengthen and ensure the implementation of existing national human rights legislation as well as to monitor, investigate and report on cases of human rights violations, in accordance with existing applicable legislation and regulations.

## **II. Key National Priorities**

### **Rights of the Child**

#### **1. The eradication of child labor, the attainment of 9-year compulsory education for all, and the fight against extreme poverty**

15. Child labor results from a number of causes: poverty<sup>iii</sup>; marginalization; the inability to fulfill basic needs; abandonment; disabilities; destitution; and alienation, geographically, socially and culturally. Further, child labor also ignores the right of a child to develop. However, in line with the principle of interrelatedness and interdependence between security, development and human rights, it is worth noting that there are no quick fixes for eradicating child labor, bearing in mind the difficult challenges in the fight against poverty and its related issues.

16. Since the First RAN-HAM in 1998, the Government has included strategies for the eradication of extreme poverty as a foremost priority in the human rights issue, taking into account the principle that extreme poverty is a violation of non-derogable human rights.

17. At the beginning of the 1998 crisis, percentage figures for poverty in Indonesia were 24.2%, which dropped in 2005, 2006 and 2007 to 15.97%, 17.75% and 16.58% respectively (with the number of poor recorded at 37.17 million). In the period 1990-2006, the percentage of the population with a GDP of less than US\$1 (PPP) significantly decreased from 20.60% in 1990 to 7.54% in 2006.

18. Indonesia has undertaken the difficult task of boosting its economic development at an average of 6.6% between 2004-2009 in order to reduce poverty and underemployment rates<sup>iv</sup>, through a triple-track strategy: pro-growth, pro-job, and pro-poor. Programs designed to boost the acceleration of economic development through increased investments and exports; the creation of job opportunities; closing poverty gaps through the revitalization of agricultural and rural sectors; as well as the development of small and medium enterprise, have been set up.

19. Central Bureau of Statistics (BPS) data in 2006 showed that the number of Indonesian children between 7-12 years who did not go to school was 705 children, whereas those between 13-15 years old who did not go to school were over 2 million. Moreover, based on data established by the the National Socio-economic Survey (Susenas) in 2003, 1.5 million children aged 10-14 worked and did not go to school. Around another 1.6 million did not attend school and had to work to support their families.

20. Furthermore, the number of child sex workers in Indonesia was estimated at around 70.000<sup>v</sup>. The Government is fully aware of the fact that child prostitution belongs to the worst form of child labor and has a strong commitment to eliminate the worst forms of child labor by 2016, four years before the world target of 2020.<sup>vi</sup>

21. To that end, in association with the ILO, the Government has undertaken efforts to strengthen the following programs:

- a. The Program to reduce child domestic workers<sup>vii</sup>, among others through the formulation of a Bill on Domestic Workers designed to give legal foundation to the protection of children who have to work as domestic workers, and to eradicate work in this field for the under fifteens. Domestic workers aged 15 to 18 can work provided they receive alternative education, a day off a week, and work for a maximum of four hours per day.
- b. At this stage and while awaiting the adoption of the aforementioned bill, the Government continues to strengthen the dissemination of information<sup>viii</sup> at the regional level, with the aim of promoting the creation of local regulations (Perda) which are compatible with the norms to be formalized within the aforementioned bill. The dissemination process has commenced in the provinces of Riau Islands, Central Java, the Special Region of Yogyakarta, West Kalimantan and West Nusa Tenggara. In this context, three regions, namely the Special Region of Yogyakarta, the City of Kerawang, and the Special Region of Jakarta have successfully completed the formulation of the said local regulations.

- c. The program for the eradication of trafficking in children, for child exploitation and sexual labor;
- d. The program for the prevention of the trade in narcotics, psychotropic and other addictive substances for children;
- e. The program for the abolishment of the use of child workers on off-shore fish traps (jermal) in North Sumatera, child workers in shoe factories, and child workers in the coal mines in Bangka and Belitung.

### **Strengthening the attainment of 9-year compulsory education**

22. Recognizing that the eradication of child labor requires the involvement of a multitude of sectors, actors and time-frames, the Government is thus strengthening the joint efforts by various people-based educational foundations, i.e. NGOs, volunteers, the industrial sector and entrepreneurs, in order to support the implementation of the 9-year education program as a joint social movement.

23. To boost the attainment of the 9-year compulsory education in Indonesia, several measures have been implemented, such as:

- Providing various types of grants, such as the Schools Operational Assistance, namely the Special Assistance for Students as well as the Operational Assistance for books in 2007 amounting to RP. 11, 5 billion. Through these grants, around 70.3 % of elementary, junior and senior high school students are free from any school expenses.
- Ensuring that all policies and measures to improve the quality and welfare of teachers and university lecturers are properly carried out. Thus, in 2007, around 81,800 individuals were given the opportunity to undertake teacher-training programs at the university level (Bachelors degree or S-1) or D-4 (a four-year non-degree program) and around 8,540 undertook Masters and Doctoral programs. All these programs are aimed at improving the capabilities and competence of teachers and university lecturers.
- Improving the competence and skills of both students and teachers in the fields of information and communication technology (ICT). For instance, ICT systems/networks have been installed in approximately ten thousand schools and 471 regencies and cities, as well as 36 units for long distance education.
- Synchronizing and strengthening the synergy and partnerships between the Government, as the policy maker, and educational institutions and with the industrial sector (as the employment market). In the coming years, the Government will hold regular workshops involving these three stakeholders.
- Ensuring the adequate condition of school buildings as one of indicators for a good education system. This was achieved, among others, by building more new schools, as well as by renovating or rebuilding existing inadequate school facilities. Progress in this regard is encouraging and the Government expects that the remaining 10 % will be built and completed in 2008 and 2009. Around 5,419 new schools were built between 2005 and 2007. Moreover, 4,428 libraries and 8,581 laboratories have also been built (for a total of around Rp. 7,147 billion).



- Putting a strong emphasis on promoting a "let us read" campaign throughout the country as an attempt to close the education gap between people. It has built approximately 400 public libraries (taman baca) for people in various locations. Other facilities enabling people to get access to books include mobile libraries, smart homes, smart motorbikes as well as other similar systems are also being promoted.

### **Micro-credit as one of the means of eradicating poverty**

24. The Government is of the view that improving micro-credit access will benefit poor people around the country. To do this, the Government believes that international cooperation is essential in assisting Indonesia's efforts to combat poverty. In this vein, a relevant international forum such as the Asia-Pacific Regional Micro-credit Summit (APRMS) will be held in Bali, Indonesia, from 28-30 July 2008. One of the objectives of the Summit is to promote and improve micro-credit in the industrial sector, at the national level, in a sustained manner. As a learning oriented type of meeting, countries participating in the Summit can learn from each others' best practices and experiences. In this regard, Indonesia will also use this meeting to share its best practices and lessons learned on the implementation of micro-credit in Indonesia as well as learning from other countries' best practices in this field. The Summit is scheduled to be attended by a number of dignitaries.

## **2. Violence against children**

25. In the efforts to ensure the implementation of the Government's policy for the protection of children against ill-treatment and violence by their parents, the Government has put in place serious sanctions against parents who commit such acts, through the enactment of Law No. 23/2002 on Child Protection and Law No. 23/2004 on the Elimination of Domestic Violence.

26. The Law on Child Protection (Article 80) stipulates that the perpetrators of violence against children will receive a penalty of a maximum of three years and 6 months imprisonment, and an additional one-third or a quarter of this sentence if the perpetrators are the parents of the child/children.

27. The State Minister for the Empowerment of Women is leading a public campaign entitled "*Stop Violence against Children*" which is being conducted nationally, starting in Central Java, East Java, West Nusa Tenggara and East Sumba, East Nusa Tenggara, Maluku, and South Sulawesi. This policy is being continually strengthened through efforts which include the formulation of a draft National Plan of Action on the Elimination of Violence against Children. The formulation of this draft (called draft RAN-PKTA) was carried out through consultations with children in 18 provinces and these consultations have since been endorsed by Presidential Decree. The areas targeted by this strategy include: homes and families, schools, the judicial system, and other formal environments in several sectors, including the following:

### **a. The home environment/family and general society;**

28. The Government has established Integrated Service Centers for the Protection of Women and Children in 33 provinces which also function as information and trauma healing centers. Facilities and staff are already available and are now in the process of strengthening their

capacities. Priorities for 2008 will focus on strengthening capacity in 15 provinces and 40 regencies.

29. The Government has also launched the program called TeSA 129 (Friendly Telephone for Children, a child helpline with the toll-free number 129). It is to be established in a gradual manner throughout the country. In 2007-2008, capacity will be strengthened in 11 provinces. To date, this program is already operating in Banda Aceh (NAD), Jakarta, Makasar, Surabaya, and Pontianak. The TeSA is also designed to provide a mechanism for child complaints which is child-friendly.

30. Understanding the close relationship between early marriages and violence against children, the Government has also launched a massive campaign to “Stop early marriages”, starting in West Nusa Tenggara and the North Coast of Java. In the meantime, in Indramayu (West Java), a video diary documenting cases of sexual violence is being produced by child-victims of violence. The video will be used as a medium for advocacy (lessons learned) to prevent exploitation.

31. Acknowledging that discrimination is one of the triggers of violence and based on the data from the BKKBN (2004), early marriages (under 16 years for girl children) in Indonesia have reached 25% of all marriages. In this connection, the Government has initiated efforts to revise the existing Law on Marriage<sup>ix</sup>. Moreover, further assessment shows that 34.30% of those who get married are within the 9-year compulsory education age. In this respect, early marriages can also be considered as one of the causes of the high number of children dropping out of school, particularly girl children.

32. The Government has also supported the establishment of various settings in which children can participate or express themselves, namely the Children’s Forum, Parliamentary Teenagers, the Indonesian Children’s Congress, the National Forum for Child Participation, the National Children’s Consultation, the Children’s Board, and Young Leaders Election.

#### **b. The school environment (formal and non-formal, including religious institutions)**

33. The Government is invigorating efforts to combat bullying in the school environment as bullying reflects the failure to develop a comprehensive intelligence as well as spiritual, social, intellectual, emotional and kinesthetic development. Cerebral intelligence alone will only produce human beings with a robotic rather than a social intellect.

#### **c. The environment of the judicial system**

34. The Government is currently in the process of revising Law No. 3/1997 on Children’s Court (from the discourse of diversion, restorative justice, increasing the minimum age for the penalization of children from 8 to 12 years of age). In this context, the Government is undertaking efforts to bolster the role of the Penitentiary Agency (Bapas) in order to strengthen civil society’s studies/evaluations to further help judges in examining cases involving children.

35. In addition, in collaboration with the UNICEF, the Government has reinforced trainings for law enforcers in Central Java, East Java, Papua, Maluku, and West Sulawesi.

36. The Government is also embarking on the development of 16 special child penitentiaries that are separated from adult prisons; formulating a model of the courts that is child friendly; as well as formulating restorative justice in Central Java and West Nusa Tenggara as a pilot project. These efforts are also being supported by the establishment of law enforcement networks (police, attorneys, judges, penitentiary boards, and legal aid foundations, with the Bureau for the Empowerment of Women acting as the coordinator). At the early stage, this will be carried out in eight provinces in order to ensure the protection of children facing legal problems.

37. In line with the specific character of the Province of Nanggroe Aceh Darussalam (NAD), a local regulation on Child Protection (Qanun Perlindungan Anak) has been given priority status in the Local Regulations Program (Prolegda) of 2007; as well as in the completion of the formulation of a Children's Court in West Aceh; completion of the draft Gubernatorial Letter (SK) for the Draft on Regional Budget for the eradication of trafficking as well as the training of some 232 law enforcers for courts, which will be gender-sensitive and child friendly; establishing the mechanism for restorative community-based justice in three regencies in NAD and Nias. Training has also been provided to around 1,000 women police officers in order to increase their capacity to conduct investigations on violence against children in refugee camps.

#### **d. The formal Government-by-sector environments:**

- 1). *Health Sector*: A reference guideline on violence against children for medical staff is being formulated.
- 2). *Education Sector*: Guidelines for training in the prevention of violence against children in schools have been integrated within the school-based management training package. For example, the guideline is used as one of the indicators of this achievement in the formulation and setting up of child-friendly school models in the Polman Regency of West Sulawesi.
- 3). *Social Sector*: Formulation of training guidelines for social workers as well as of Standard Operational Procedures (SOP) for the integrated services in Central Java, West Nusa Tenggara, Maluku, West Aceh and Nias.
- 4). *Police*: A draft guideline on legal services for children, on the integration of materials for the protection of children's rights into Police training curricula, as well as the formulation of e-learning techniques for the Police have already been initiated.

### **3. Obstacles and challenges in the implementation of the Rights of the Child**

- a. The Draft on the Revised Law on Child Justice has not been considered a priority in the National Legislation Program of 2008 due to the tight schedule of Parliament.
- b. The Indonesian Commission on Child Protection (KPAI) has a limited capacity in promoting child protection in Indonesia.
- c. The lengthy process of harmonization by local governments of local regulations and practices applying to the CRC provisions as well as other international human right instruments for which Indonesia is party to.
- d. The lack of capacity of local governments to draft local laws on the Prevention of Trafficking in Women and Children.
- e. The particular challenges in the Province of Nanggroe Aceh Darussalam (NAD):

- Programs/activities tend to be piecemeal; meanwhile, the development of the system is still weak.
  - The role of the local social services was increased in the pre-tsunami period, however, further endeavors are needed to ensure control and coordination between the local government and other relevant agencies in implementing child protection programs.
  - On the establishment of an agency for the protection and empowerment of women and children, there is no clear indication to date as to which is the leading sector for child protection or how to distribute work and functions among the local social services.
  - Monitoring and data distribution mechanisms for cases related to child protection, including its progress, are still weak.
- f. Documents on child trials provided by police investigators in the context of Special Women and Children Units, using the Law on Child Protection, are still hampered by a lack of understanding among law enforcement officers (judges and attorneys), who have been accustomed to using the Indonesian Penal Code (KUHP) rather than the new Law on Child Protection. In fact, compared with the Penal Code, the Law on Child Protection guarantees sanctions even for minimal charges for perpetrators, thus carrying a deterrence effect.
- g. It is not easy to come by accurate data on cases of trafficking in persons in Indonesia, not only because of its clandestine nature but also due to the lack of uniformity in data collection methodology among relevant government agencies as well as other relevant non-governmental institutions.
- h. From the “right to education” perspective, data from Education Watch indicates that, in 2006, the level of drop-out (DO) students in elementary schools among the poor increased by 24%, and those who did not continue their studies to junior high school level stood at 21.7%, the level of DO from the junior high school levels was 18.3%, and those who did not continue their studies at the senior high school level was 29.5%. Ironically, from these figures, the 72.3% majority concerned girl students. This is due to the lack of financial capacity and strong patriarchal nature of their families.
- i. Although the Indonesian Constitution clearly indicates that the allocation for education in the State Budget is 20%, up to now the State budget has only allocated 90.1 trillion Rupiah, equivalent to 11.8% of the current State budget.

## **On Women’s Rights and the Implementation of the CEDAW**

### **1. Promoting women in political and public life through the implementation of affirmative action**

38. Indonesia ratified the CEDAW through Law No. 7 of 1984. Since 2000, its implementation has been undertaken by integrating it into Indonesia’s national development strategies, particularly through Presidential Decree No. 9/2000 on Gender Mainstreaming in National Development.

39. The Government enacted Law No. 31 of 2002 on Political Parties and Law No. 12 of 2003 on the Election of Members of Parliament and Local Parliament. The two laws mandated a 30% quota for women in political parties. However, the level of women’s participation at all levels of the legislative apparatus is still low. According to the General Election Commission (2005), in the period 1999-2004 the participation of women in parliament was 8.8% and for the period 2004-2009 it is predicted to be around 11.3%.

40. In this regard, the new Law on Political Parties, i.e. Law No. 2/2008, has recently been enacted and has replaced the old Law on Political Parties No. 31/2002. The new fundamental paradigm and substance contained in Law No. 2/2008, among others, is the compulsory thirty percent (30%) female representation in the establishment of any political party. The objective is to implement affirmative action for women in order to boost their participation in political parties. The same requirement of securing a 30% participation of women is also applied with regard to members of the board of political parties, both at provincial as well as at district/city levels. Political parties also have the obligation to actively conduct political education programs, in line with their responsibility to apply adequate consideration to justice and gender equality.

41. Article 2.2 of Law No. 2 of 2008 on Political Parties provides for affirmative action in the establishment and organization of political parties "...to include 30% female representatives." Furthermore, Article 2 (5) states that "the organization of Political Parties at the national level is carried out with the involvement of at least a 30% female representation". The law also includes sanctions for those who violate these provisions.

42. Affirmative action has also been applied and standardized in the formulation of the Law on General Elections, which requires at least a 30% participation of women in the membership of the General Elections Commission at all levels.

43. The implementation of affirmative action for the promotion of the participation of women in politics and public policy is also aimed at providing further assurances that female human rights defenders will be able to participate more actively in politics and public policy in the field of the promotion and protection of human rights in Indonesia.

44. On the participation of women in the decision-making process at the executive level – female civil servants in public positions in 2006 were far behind the male civil servants at all echelons (I to IV). The largest gap was evident at echelons I and II. A similar trend was also observed within the judiciary where, in 2006, female judges made up only 12% and female attorneys 23% of the total number of judges and attorneys respectively.

## **2. Harmonization of CEDAW with national legal policies and practices for combating violence against women and promoting the protection of women's rights**

45. Although Article 27 of the Constitution guarantees equality between men and women before the law, there are legal provisions which are still discriminative against women. At the national level, various legal revisions are being undertaken in order to create new legal materials, or to improve, revoke or revise legal products which are gender biased or discriminative against women.

46. Various legal measures have been undertaken, such as the enactment of Law No. 12 of 2006 on Citizenship; Law No. 13 of 2006 on the Protection of Witnesses and Victims; Law No. 21 of 2007 on Combating Trafficking In Persons; and Law No. 23 of 2004 on Domestic Violence. For the first time, the vulnerability of domestic helpers was considered through Law No. 23 of 2004. Beyond this law, there is no established legal status for domestic helpers as workers. Therefore, it is the Government's obligation to provide them with comprehensive protection.

47. The National Action Plan on Human Rights of 2004-2009 clearly mandates the harmonization of local regulations as one of its six pillars. In this regard, the Minister of Home Affairs in December 2006 issued a circular letter to all local authorities (Governors, Mayors/Regents) to harmonize local regulations in line with international human rights standards to which Indonesia is party, including CEDAW. In its implementation, local governments are to work in close cooperation and coordination with the Provincial office of the Ministry of Law and Human Rights. In order to implement the Action Plan, the Government has established 436 implementing committees at provincial and regency levels.

48. In order to strengthen the Government's efforts to combat violence against women, the National Commission on Violence against Women was established through Presidential Decree No. 181 of 1998. According to the Commission, until 2007 there were more than 100 local regulations which were discriminative against women and based on religious and traditional values. Furthermore, in its close cooperation with 367 community-based organizations all over Indonesia and its Asia-Pacific region and international networks, the Commission has concretely contributed to national measures to combat all forms of violence against women. The above-mentioned organizations supported the Commission's activities with outstanding coordination and success.

### **3. National strategy on combating trafficking in persons, especially in women and children**

49. The Indonesian Government is fully aware that trafficking in persons is a gross violation of human rights and that it must therefore be eliminated. This crime takes on various forms both at the national and the international levels. Therefore, the government's intervention needs to be based on both national and international perspectives in order to offer protection at all levels and to impose a strong enough punishment not only on the perpetrators but also on the intermediaries. Furthermore, Article 11 of Law No. 21 of 2007 on Combating Trafficking in Persons states that those who facilitate the efforts of the perpetrators of the trafficking in persons will be given the same punishment as the masterminds.

50. In Indonesia, after East Java and West Java, West Kalimantan has the third highest rate in the country for trafficking in persons.

51. In general, there are 14 legal documents relevant to Law No. 21 of 2007 and its Presidential Decree aimed at strengthening the legal basis for combating trafficking in persons, particularly of women and children, and also for eliminating the forced labor of domestic helpers and girl children domestic helpers. The Law on Domestic Violence, the Law on Manpower and the Law on Combating Trafficking in Persons are used for cases of violence against domestic helpers and girl-child domestic helpers abroad. The perpetrators will be charged with a minimum of 3 years and a maximum of 15 years imprisonment as well as a nominal fine of 120 million Rupiah to 600 million Rupiah.

52. Article 2, sub-sections 2, 3, 4, 5 and 6 of Law No. 21 of 2007 stipulates that in the case of trafficking in persons using physical and mental violence, punishment for perpetrators will be increased by 1/3 of the maximum charge. Article 18 states that those who are forced against their will to assist the perpetrators of trafficking in persons will not be punished. However, further

evidence is needed before the charge can be dropped. To this end, the Police have established a special task force called the Flower Operation to investigate cases of trafficking in persons. To arrest the perpetrators of trafficking, the Indonesian Police is deemed the sole body authorized to handle the perpetrators as Indonesia has not concluded any bilateral extradition agreements.

53. In line with its unique situation, Indonesia needs a comprehensive policy and strategy for dealing with trafficking in persons which should involve the relevant sectors, such as manpower, with regard to the placement of Indonesian workers abroad. The reform process in the labor sector has taken place through the issuance of Presidential Instruction No. 2 of 2006, followed by the establishment of the National Agency for the Placement and Protection of Indonesian Workers or BNP2TKI. One of the concrete measures taken by BNP2TKI was to shut down 86 training centers for Indonesian workers due to their incapacity to provide sufficient training facilities, including training materials and devices, instructors and trainings periods. To date, there are 260 training centers countrywide, the cities of Jakarta, Bogor, Tangerang and Bekasi (Jabotabek) being the areas with the greatest number of centers.

54. In line with Article 45 of Law No. 21 of 2007, there are 304 Special Women's Desks established in police stations at the provincial and regency levels. The desks have been entrusted with the mandate of dealing with victims of violence in a comprehensive and coordinated manner. At the desk, there is a special task force of policewomen with in-depth training and a thorough understanding of gender issues and violence against women. The desk has become better structured as part of the formal bureau of the Indonesian National Police through the Decree of the Chief of the Indonesian Police No. 10 of 2007.

55. Article 45 (2) of the abovementioned Law provides special instructions with regard to investigations concerning children. Furthermore, these instructions have been disseminated among various police stations at the district level. Article 46 of the Law also allows for the establishment of an Integrated Service Center. So far, there are 36 centers in Indonesia, particularly in notorious pockets of trafficking; one of them is at the Police Hospital at Kramat Jati. The Police have also provided a hotline on 021-7256085, where Directorate I of the criminal investigation unit (Bareskrim) deals with any complaints directly.

## Challenges

- a. One internal problem in need of solutions concerns the issues of trauma and of the rights of victims. In this regard, more crisis centers, especially in areas considered as main sources for the trafficking of women still need to be created. In many cases the victims are unwilling to go back because of poverty. There is an urgent need for the Government to ensure that there are job opportunities for them.
- b. Local governments should tighten up their local regulations on combating trafficking in persons without delay and develop databases on the handling of cases of trafficking in persons.
- c. National Development programs need to be further strengthened in order to improve the living standards of women. There is still a high percentage of maternal mortality among Indonesian women, as reflected in the low percentage of GDI at 0.671 and Indonesia's position, which stands at 92 (*Human Development Report*, 2001). Moreover, Indonesia still

has the highest maternal mortality rate among ASEAN member countries, with 307 maternal deaths per 100.000 live births.

- d. In the education sector, particularly in high schools and universities, there is still some gender inequality. Furthermore, a higher proportion of women (13.53 %) than men (5.97%) among the population aged ten years and above have never been to school. The problem of gender inequality also exists in the economic sector, among others, as indicated by the low levels in the participation of women (43.5%) in the labor force (TPAK), as opposed to that of men (72.6%). These figures are based on the SUSENAS (National Socio-Economic Survey) of 1999.
- e. In the political sector and in policy making, we note that, until 2007, the number of women within the decision-making institutions remained at a minimum both at national and local levels. Despite all the affirmative provisions that have been adopted, Indonesia only has one woman among its 33 province governors, about 12 women leaders at the local level out of a total of 476 districts/cities, and respectively 10% at the provincial level, and 8% at district/city level in the legislative bodies.

#### **4. National strategies to promote and protect the rights of Indonesian workers abroad**

##### **Measures taken in this field are as follows:**

- a. The Government has passed an Act concerning the Placement and Protection of Migrant Workers in 2004, followed by the establishment of a new coordinating body, the National Board for the Placement and Protection of Migrant Workers (BNP2TKI)<sup>x</sup>, through Presidential Decree No. 81/2006. This was further strengthened by the issuance of Presidential Instruction No. 6/2006 on Reform of the Policy on the Protection and Placement of Indonesian Workers Abroad. In addition, a National Professional Certification Board was established to provide Indonesian workers with nationally and internationally recognized standards of competence. In consistency with this goal, the Government pays particular attention to the professionalism of the private employment agencies in providing pre-departure training for prospective migrant workers. As previously stated, the Government has closed down 86 centers throughout the country, due to their lack of capacity to provide sufficient training facilities.
- b. In line with the mandate of Presidential Instruction No. 6/2006, the Ministry of Foreign Affairs has established a citizens' advisory service under the coordination of the various Indonesian diplomatic and consular missions abroad, particularly in the countries of destination. At the moment, there are six citizens' advisory services established in Singapore, Brunei Darussalam, Jordan, Qatar, South Korea, and Syria. Shortly, in 2008, the DFA will extend these advisory services to a further six countries.
- c. To further strengthen the Government's capacity to protect its nationals abroad, the DFA has established a special Directorate to deal with the protection of Indonesian citizens, as well as legal entities overseas whose main task is to provide assistance and protection to Indonesians, including migrant workers. In the efforts to reduce the number of human rights violations against Indonesian migrant workers (especially women migrant workers), a number of measures have been undertaken, as follows:
  - 1) In cooperation with the relevant authorities in accredited destination countries, Indonesian Offices (embassies and consulates) are looking into these problems and taking various steps. These include collecting data on cases of abuse and human rights



violations in order to inform the capital, obtaining further instructions on how to resolve the problems which occur, and recommending to the relevant authorities at home as well as to the BNP2TKI and the Department of Manpower and Transmigration a list of “troubled” agencies and employers to be blacklisted. The Directorate then recommends that agents who violate the law be sanctioned and brought to justice.

- 2) Finding legal representatives to assist with the resolution of these cases, in particular those relating to Indonesian citizens facing the law enforcement procedures in the accredited countries, as well as to fight for the rights of Indonesian migrant (female) workers.
- 3) Providing shelter and counseling.
- 4) Providing for the basic needs of Indonesian citizens, including migrant workers during their time in shelters.
- 5) In cooperation with the ILO, the DFA (the Directorate) as well as the Training and Education Centers, a module on the protection of migrant (female) workers overseas has been formulated as well as strategies on how to deal with their psychological concerns as they arise. This module has been included in the education curriculum for the training and education of diplomatic and consular officers, including labor attachés at the Centre for Training and Education in the DFA.
- 6) In order to provide prompt legal assistance to Indonesians (including migrant workers) who face legal problems overseas, particularly those facing death sentences and life imprisonment terms, as well as to ensure that their legal procedures are well monitored, Indonesian embassies and consulates are consistently encouraged to approach the governments of the accredited countries to submit consular notifications in accordance with Article 36 of the Vienna Convention on Consular Relations 1963.

## **Civil and Political Rights**

### **1. General overview of the implementation of the ICCPR in Indonesia**

56. Indonesia upholds the view that the implementation of civil and political rights can only be fully exercised in a democratic environment. In this regard, Indonesia was among the last countries to join the so-called Third Wave of democracy that began in the mid-1970s.

57. The democratic transition in Indonesia — which has the world’s fourth largest population as well as the largest Moslem population in one of the world’s most ethnically diverse nations — was one of the momentous events in this Third Wave of democracy that swept the world at the end of the 20<sup>th</sup> century. According to some skeptics, democracy in Indonesia would not last long as the Indonesian people were allegedly not ready to embrace democracy, the country was too big and the nation too complex. These same skeptics said that democracy in Indonesia would lead to chaos and even to the break-up of the country. Others said that what happened in Indonesia was just “regime change”. One columnist, Thomas Friedman, lamented that Indonesia was becoming a “messy state”. Still others predicted that democracy would unleash extremism and radicalize Indonesian politics.

58. Because of these concerns, many Indonesians were as excited as they were anxious about Indonesia’s political journey into the un-chartered territory of democracy.

59. Today, it is duly noted that the Indonesian people have convincingly refuted these concerns:

- a. Our democracy has become stronger and more vibrant than ever;
- b. In 2004, Indonesia successfully held what were considered to be the world's largest and most complex elections – peacefully;
- c. Rather than breaking apart, Indonesia is becoming steadily more united, as reflected in the Aceh peace deal;
- d. Rather than becoming a bastion of radicalism, the heart and soul of Indonesia remains moderate and progressive. Indeed, in Indonesia, democracy, Islam and modernity go hand-in-hand effortlessly together;
- e. In spite of the early years of turbulence, when we changed Presidents four times in the four years between 1998 and 2002, our democracy is now characterized by political stability and economic growth, the highest since the financial crisis. Indeed, democracy in Indonesia has reached a point of no return, as many signs attest:
- f. Indonesia has safely passed the “two elections” test, and also passed several presidential changeovers peacefully.
- g. As a result of its national and local direct elections, the political landscape has radically and fundamentally changed.
- h. Indonesia has instituted strong military reforms where the function of the TNI, aside from defending the national territory, is also to guard democracy and the reforms.
- i. Notwithstanding the political problems that sometimes arise, unlike other democratizing countries, there has never been any concern about an impending coup.
- j. And countless public opinion polls show that even though the public may lose faith with politicians, institutions or policies, their faith in the value of democracy remains unshaken and has in fact increased over time.

60. In this new political culture, the people must have constant access to their leaders and a genuine say in the government's policies. Leaders must learn to evolve a new methodology of governance to produce responsible and accountable governance, the essence of a healthy democracy.

61. Indonesia's democracy is unique in that it is not just a multi-party democracy, but also a multi-ethnic democracy. To preserve this multi-ethnic democracy, Indonesia needs to foster the kind of democracy that is able to protect and nurture the country's best characteristics: its cherished values of unity, harmony and tolerance. When the people cast their ballot, they do so with the intention of improving their lives; that vote effectively becomes a deposit of trust, a token of confidence. Democracy must be a process of fulfillment of that hope, guided by the 1945 Constitution as well as the ICCPR, to which Indonesia is a party.

62. Indonesia has ratified the ICCPR through the enactment of Law No. 12 of 2005 and the Convention is applicable since May 23<sup>rd</sup>, 2006.

#### **A. The right to vote and to be elected**

63. In accordance with the principles of democracy, for the first time in its history Indonesia has successfully carried out peaceful, broad and complex direct presidential elections. Furthermore, Indonesians now have the right to directly elect their local leaders, from the

governors to the mayors/heads of district. More than 300 local elections of local leaders have been conducted in Indonesia since mid-2005. In 2006 alone, 85 elections were held for local leaders, and in 2008 the government will conduct 138 local elections.

64. The 2004 presidential election, involving 117 million voters and 77 percent of eligible voters, was the largest single Election Day in history. Among the many remarkable facets of Indonesia's democracy, the 2004 elections produced 61 women members to the 550-seat lower house, and 27 to the 128-seat upper house.

65. International acknowledgement of the Government's efforts to promote and strengthen Indonesian democracy was reflected, among others, by the presentation of the Democracy Award by the International Association of Political Consultants (IAPC) during the 40<sup>th</sup> IAPC Conference in Nusa Dua, Bali, on 12 November 2007. The IAPC has also praised Indonesia for successfully developing and applying a democratic system which now has the potential to be copied as an example of democracy in Asia.

66. To further strengthen Indonesian democracy, the strategic political laws scheduled to be completed during the period 2007-2008 are as follows:

- (1) The Law on Political Parties was finally adopted in January 2008 (Law No. 2 of 2008 on Political Parties);
- (2) The Law on the National Election of Members of Parliament, the Senate, and Regional Legislative Assemblies;
- (3) The Law on the Composition and Status of the People's Consultative Assembly, Parliament, the Senate, and Regional Legislative Assemblies;
- (4) The Law on the National Election of the President and Vice President;
- (5) The revision of Law No.8/1985 on Civil Society Organizations.

67. Under the new Law on Political Parties, the right of political parties to also establish side organizations is guaranteed. This is aimed at ensuring open-ness in political parties as prescribed by the relevant laws and regulations. Furthermore, political parties have an obligation to actively conduct political education of the people in line with their responsibilities and must give due consideration to justice and gender equality.

68. In this context, there is a need for the Government to revise Law No. 8 of 1985 on Civil Society Organizations as it has not yet established the provision that Civil Society Organizations can develop side organizations of political parties or organizations affiliated with political parties. Scheduled to follow the enactment of the new Law on Political Parties, the Law on Civil Society Organizations will in due course be completed, however as yet it has not been dealt with for over 20 years.

69. To further strengthen our democratic system, the opportunity for independent candidates to participate in direct local elections along with candidates supported by political parties has been widely supported by society in general and has been made legally possible by the decision of the Constitutional Court, in accordance with Article 28.d (1) and (3) of the 1945 Constitution.

## **B. Religious Freedom**

70. As a State Party to the International Covenant on Civil and Political Rights (ICCPR), the Indonesian Government takes its commitments and obligations under this Instrument very seriously, in particular its obligation under Article 18 of the ICCPR on freedom of thought, conscience and religion. Unequivocally, the 1945 Constitution (Articles 28 E and 29) provides constitutional guarantees for the promotion and protection of this important right.

### **Challenges**

71. Despite the enactment of Law No. 23/2006 on Population Administration, enabling believers outside professed religions to register their marriages at the Civil Registrars, there are still cases where followers of certain beliefs in the country have not yet fully enjoyed this right to have their marriage formally registered.<sup>xi</sup> The aforementioned Law, in Article 64 (2), clearly stipulates that those who do not profess a religious faith as recognized by the law can leave the column on religion blank and are subsequently entitled to have their marriages formally registered by the Civil Registrars.<sup>xii</sup>

72. In this light, the Government wishes to emphasize and reiterate its strong commitment to ensure the promotion and protection of this right as well as all the rights of all Indonesians to all their religious manifestations. It is the Government's responsibility to guarantee that people from different religions and/or beliefs are provided with government services, including the registration of their marriage, without discrimination.

## **2. Total transformation and reform**

73. Reform of the Police has resulted in the following:

- a. Separation of the National Police from the Armed Forces in 2000
- b. The Police fall within the jurisdiction of the general courts as of 2002.
- c. Introduction of the community policing programs in 2005. The Chief of the National Police established decree No.737/X/2005, dated 13 October 2005, which contains an annex entitled: "Strategy and policy for the implementation of the model for community policing to conduct national police duties". This decree provides comprehensive guidance for the community's understanding and perception of the policy and strategies of the National Police for Community Policing. Community policing is considered one of the most effective methods of creating and maintaining the safety of the community. It differs from the old method which tended to put greater emphasis on the role of the security officers, and gives priority to the role and participation of the community in preserving the security of their neighborhood. In the efforts to develop and strengthen the application of community policing, the National Police continues to support in-depth discussions and the search for best practices as well as lessons learnt in the multifaceted Indonesian community.
- d. The introduction of a human rights module in the Police Academy.
- e. Demilitarizing training within the Police Academy.

74. Reforms within the Indonesian National Armed Forces (TNI) have resulted in the following:

- a. The military has ended its political activities and is now neutral, independent, and free from practical politics.
- b. The new framework of civilian-military relations defines the relationship between the military and the government and with other governmental institutions. It is referred to in the provisions of the 1945 Constitution and in the existing national laws: for instance, the use of military force in the event of war with other countries. Such decisions are in the hands of the President, with the agreement of Parliament, and the decision of the TNI to mobilize or deploy its forces is subject to their authority.
- c. The military has consistently undertaken measures to back down and disengage itself from any business activity.

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**Endnotes:**

<sup>i</sup> Whereas meanwhile, the Elucidation of Article 51 Paragraph (1) Sub-Paragraph of the Constitutional Court Law affirms that the “individual” intended in Article 51 Paragraph (1) Sub-Paragraph a includes a group of individuals having a common interest.

<sup>ii</sup> They are as follows: Law No. 18/1956 on the Ratification of ILO Convention No. 98 Concerning of the Enactment of the Basic Rights to Organize and Collective Bargaining; Law No. 80/1957 on the Ratification of the ILO Convention No. 100 concerning Equal Remuneration; Law No. 19/1999 on the Ratification of ILO Convention No. 105 on the Abolition of Forced Labour; Law No. 20/1999 on the Ratification of ILO Convention No. 138 on Minimum Age for Admission to Employment; Law No 21/1999 on the Ratification of ILO Convention No 111 on Discrimination in Respect of Employment and Occupation; Law No. 1/2000 on the Ratification of ILO Convention No 182 on the Prohibition of an Immediate Action for the Elimination of the Worst Forms of Child Labour); Presidential Decree No. 83/1998 on the Ratification of ILO Convention No 87 concerning Freedom of Association and Protection of the Right to Organize.

<sup>iii</sup> The general condition of people’s welfare during the year 2006 was still a source of great concern. The number of poor people in the country has not yet significantly reduced. According to the Bureau of Central Statistics (BPS), the number of poor people in 2006 raised to 39. 05 millions from 35 million in 2005. In 2007, despite the Government’s pronouncement, through the BPS, stating that the number of the poor between March 2007 to March 2007, has been reduced to 37.17 million (16. 58% of the total population), the World Bank mentioned that their number remains at around 1000 million (42.6%). This is based on the calculation of the population living with the wage/salary under USD \$2/day/person out of 232, 9 million people in 2007 and 236, 4 millions in 2008.

<sup>iv</sup> The result of the National Labor Survey (Sakernas) of the BPS of February 2007 showed that the highest figure of unemployment’s still exists in Java with the number of around 10.39 % and the lowest in Bali and Nusa Tenggara around 5.49%. The high figure of unemployment also shows in Sulawesi and Sumatera with the number of 9.94 and 9.62% respectively. Moreover, out of 45 cities which recorded in the Consumer Price Index (IHK) in December 2007, all of them showed inflation. The high inflation in the country took place in Banda Aceh (around 3.76%), and the lowest inflation was in Pangkal Pinang (0.03%).

<sup>v</sup> According to the 9 August 2006 edition of the Tempo Daily, Director of the ILO Jakarta, Alan Boulton stated that based on the research by the ILO, there were around 70 thousands child sex workers in Indonesia under 15. Bali followed by Nusa Tenggara, are the cities with the highest numbers.

<sup>vi</sup> Notwithstanding the fact that only few best practices have been achieved in the efforts to eradicate child labour in Indonesia, the Local Government in Kutai-East Kalimantan has successfully launched its region as a child workers free zone. It is hoped that other regions in the country are expected to undertake similar efforts. In this vein, the Government is now strengthening the Program of Hopeful Family (PHP or in Indonesia Program Keluarga Harapan/PKH) as part of its efforts to develop a social protection system. PHP is a program which grants conditional cash transfers to poor families. In return, the families are required to send their children to school to benefit from facilities as already allotted by the Department of National Education. Poor families with under school age children and/or pregnant mothers, health facilities as regulated by the Department of Health are provided.

Aside from aiming to reduce spending by poor households, PHP is also aimed at abolishing persistent vicious circles of poverty between generations. Therefore, it is hoped that the next generation will get better education and health

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care, leading to better jobs. PHP was launched in mid-2007 and has been provided to around 500 thousand households in seven provinces. In 2008, this program will be increased to meet the needs of 1.5 million poor households. The program is in fact in line with the goal to eradicate child labour as well with the attainment of MDGs in relations to education, health, and gender equality.

<sup>vii</sup> On 26 June 2007, A National Seminar on “Prevention and Addressing Trafficking as well as Forced Labour for Domestic Workers and Child Domestic Workers”, was held in the State Ministry for the Empowerment of Women. This Seminar was conducted by a number of NGOs network i.e. Gema Rumpun Perempuan, Jarak, and Rumpun Tjoet Njak Dien of Yogyakarta, supported by the State Ministry of Women Empowerment, the European Union’s and the ILO’s Office in Jakarta.

<sup>viii</sup> The Ministry for the Empowerment of Women, in association with the ILO Jakarta since 2006 has been formulating a module on domestic child workers. The module will be circulated for free in a sustained manner among governmental apparatus, women activists, child workers, and general society.

<sup>ix</sup> Early marriages of children under 18 in Indonesia are legalized under Law 1 of 1975 on Marriage. This Law allows girl child under 16 to get married as stipulated in Article 7 (1). “Marriage is only allowed if the groom reaches the age of 19 and the bride has reached the age of 16.

<sup>x</sup> Measures undertaken by BNP2TKI to address problems faced by our migrant workers abroad are as follows:

- a. Establishing Employment Training Centers (ETC) at the Employment Offices in the various regencies/cities to help facilitate opportunities for those seeking employment overseas.
- b. Closing ETCs that are inadequate and violate basic rules and regulations (such as having inadequate facilities, etc.)
- c. Increasing the minimum wage of migrant workers in a number of destination countries such as Singapore and certain countries in the Middle East.
- d. Establishing monitoring mechanisms in a number of destination countries.
- e. Abolishing the levy each migrant worker has to pay upon arrival at Terminal 3 of Cengkareng Airport.
- f. Intensifying the dissemination of information on the procedures and on the risks of working overseas.
- g. Reducing the sending of overseas workers in the domestic sector and strengthening the job opportunities for overseas employment in the formal sector.

<sup>xi</sup> In this context, the followers of “Aliran Kepercayaan kepada Tuhan YME” (a belief called “Belief in One God”) for example, were reported to have chosen any one of the religions listed on their ID cards (KTP). The report further revealed that the followers of several beliefs in Bandung and Cimahi (West Java) still face administrative difficulties in having their marriages registered.

<sup>xii</sup> In 2001, Mr. Asep Setia Pujanegara brought such a case before a court in Bandung. The Supreme Court granted his appeal and subsequently ordered the Civil Registrars in Bandung (West Java) to register his marriage.

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