

## **Universal Periodic Review (UPR) on Indonesian Women and Children**

### **I. Mechanism/Methodology/Consultation Process**

1. This Special Report on the issue of women and children is an integral part of the UPR Report of the Civil Society. This Report that was conducted through consultation and coordination was prepared by organizations that are focus on women issues, namely; **Koalisi Perempuan Indonesia, CEDAW Working Group Indonesia, Solidaritas Perempuan, Jala PRT, Perkumpulan Keluarga Berencana Indonesia (PKBI), Perempuan AMAN and AMAN Indonesia.** This Report includes the development of the implementation of Human Rights (HR) and Women's Rights in Indonesia based on the 150 recommendations of the Human Rights Council (A/HRC/21/7) obtained by the Indonesian government.
2. This UPR Report on Women's Rights in Indonesia is in synergy with the alternative draft report of the civil society for the CEDAW Committee established in 2015 and it was conducted through consultations at the National and Sub-National level on dan Sub-Nasional. The CEDAW Alternative Report of the civil society was not submitted to the CEDAW Committee because the Government of Indonesia did not submit its Country Report.

### **II. Normative and institutional frameworks in the promotion and protection of human rights, especially those of women and children**

3. The 1945 Constitution of Indonesia includes a special chapter on Human Rights, namely; Article 28A up to Article 28 I and several articles also regulates Human Rights, as such: Article 27 concerning equal status before the law and in government and the right to live with dignity, Article 28 concerning freedom of association and freedom to express an opinion, Article 29 concerning freedom of worship, Article 31 concerning the Right to Education, Article 34 concerning the Right to live a Healthy Life, the obligation of the state to implement a universal Social Security System, and the responsibility of the state to provide health services and other public services.

4. Indonesia has ratified 25 International Human Rights Instruments and has incorporated them in the national law as a proof of its commitment to protect, fulfil, and uphold Human Rights and Women's Rights. These International Instruments are: Convention on the Political Rights of Women 1953, ratified by Act No. 68 of 1958, Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), ratified by Act No. 7 of 1984 and most recently the ratification of the Optional Protocol To The Convention On The Rights Of The Child On The Sale Of Children, Child Prostitution And Child Pornography), ratified by Act No. 10 of 2012
5. On the other hand, the government has not yet ratified other important international instruments that will protect the rights of women and children, such as, Optional Protocol CEDAW, Optional Protocol on Children in Armed Conflict, Optional Protocol concerning the Sale of Children and Child Prostitution, and ILO Convention No. 189 on Domestic Worker. This situation became a concern to the member countries of the United Nations. On the 13th Session of the 2nd Cycle of Indonesia UPR in Geneva on the 23th of May 2012, several countries, like, Iraq, Sudan, and Egypt recommended the ratification of the Optional Protocol to the Convention on the Rights of the Child to the government of Indonesia;
6. The government has issued Presidential Decree No. 2/ 2015 concerning the National Medium Term Development Plan that includes 9 (nine) National Development Agendas. 6 of these 9 national agendas were directed to fulfill and uphold Human Rights, namely: Agenda 1, 2, 3, 4, and 5, as well as the mainstreaming of gender and sustainable development. The government also issued Presidential Decree No. 75/ 2015 concerning the 2015-2019 National Action Plan on Human Rights (RAN HAM). This RAN HAM included a strategy to realize Human Rights in Indonesia, and specifically for Women's Rights, the objective of the strategy is to reduce the level of inequality between men and women in terms of participation, control, and benefit in development; and prevent violent acts, maltreatment, and discrimination against women, including women with disabilities.

### III. Implementation of the Protection and Fulfilment of the Rights of Women & Children

7. Law No. 1/ 1974 on Marriage still stipulates that the minimum marrying age for women is 16 years old and dispensation can be petitioned to the court if the marriage will be conducted before the age of 16.

Indonesia has already obtained 3 (three) recommendations from the CEDAW Committee to review and amend Law No. 1/1974 concerning marriage during the Concluding Observation in 1998, 2007, and 2012, especially the review of the standardization of the role of men and women in marriage<sup>1</sup>, the minimum age of women, and reasons for divorce and polygamy<sup>2</sup> that discriminates women, including the legitimacy of the marriage<sup>3</sup> that does not accommodate the marriage of followers of local religions and instiller of beliefs. However, up to now, these recommendations are not yet implemented.

The civil society proposed a Judicial Review to the Constitutional Court to cancel Article 7 paragraph (1)<sup>4</sup> and paragraph (2) concerning the minimum marrying age of women and dispensation (court approval) for child marriages. However, the Constitutional Court reject the request of the civil society in its Court Decision No. 30-74/PUU-XII/2014. The consideration of the Constitutional Court, among others, is that, increasing the minimum marrying age of women is not relevant in reducing the number of divorce and eliminating health problems and other social problems.

8. The issue of child marriages and the issue of unregistered marriages in Indonesia, is already alarming. The result of the research of the Gender Study Center of Universitas Indonesia in 2015 states that the number of child marriages in Indonesia ranks second in Southeast Asia. Approximately 2 million of the 7.3 million female children in Indonesia gets married under the age of 15 years old and this is followed by their dropping out of school. The 2014 data of the Central Bureau of Statistics recorded 911,644 child marriages and it is

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<sup>1</sup> Article 31 paragraph (3) and Article 34 paragraph (1) of Law No. 1/ 1974 concerning Marriage

<sup>2</sup> Article 4 paragraph (2) of the Marriage Law

<sup>3</sup> Article 2 of the Marriage Law

<sup>4</sup> The minimum marrying age for women in the Marriage Law is 16 years old and 19 years old for men.

estimated that this number will increase to 3 million in 2030. Indonesian Coalition to Stop Child Marriages (Koalisi 18+) identified 377 marriage dispensation petitions in the Religious Courts in the District of Bogor- East Java, Tuban-East Java, and Mamuju-West Sulawesi in the period of 2013-2015. A Total of 367 of the 377 applications for obtaining dispensation approved by the Religious Courts for marriage of girls at the age of 10 -15 years. Most of these marriages are forced marriages

9. Unregistered marriages almost occur all over Indonesia, particularly in the rural areas<sup>5</sup>. The census of Women NGO named PEKKA (Pemberdayaan Perempuan Kepala Keluarga)<sup>6</sup> that was conducted in 111 villages in 17 provinces in 2012 indicated that, 25% of the people in Indonesia performed unregistered marriages in the form of *siri* (marriage performed before religious authorities but not registered) and traditional marriages. The provinces with unregistered marriages that is above 50%, among others, are: East Nusa Tenggara (78%), Banten (65%), and West Nusa Tenggara (54%). The impact of unregistered marriages is that it will eliminate the right of women to obtain protection and legal certainty and it will affect the fulfilment of the right of the child to have an identity and obtain social services. Meanwhile, Indonesian Child Protection Commission stated that, in 2015, there are 43 million of the 86 million children in Indonesia does not have a birth certificate because of unregistered marriages.

10. The innovation to end child marriages actually came from the Regional Government. Several Provincial Heads issued a regulation to end Child Marriages, namely; The Governor of the Province of West Nusa Tenggara issued Circular Letter No. 150/1138/Kum/2015 on the Bringing to Adulthood the Marrying Age; the Regent of Gunung Kidul (Special Region of Yogyakarta)

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<sup>5</sup> Rural areas are often considered as a place to find second wives and young girls and it is where early marriages/underage marriages and unregistered marriages occur. This is brought about by several things, namely; structural poverty, and minimum access to existing resources. For example, accessibility of jobs, access to public facilities and education. Most of the men who practice polygamy illegally keep their mistresses in the rural areas.

<sup>6</sup> 2013 Annual Report of Pemberdayaan Perempuan Kepala Keluarga.

issued Regent Regulation No. 36/2015 on the Prevention of Child Marriages; and the Regent of Kulon Progo (Special Region of Yogyakarta) issued Regent Regulation No. 9/2016 on the Prevention of Child Marriages. The innovation to resolve the low number of Birth Certificates was conducted by the Minister of Home Affairs by issuing Regulation of the Minister of Home Affairs No. 9/2016 on the Acceleration of the Increase in the Ownership of Birth Certificates that was issued on 24 February 2016. This regulation enabled unregistered marriages to arrange the birth certificate of their children by making a Statement of Absolute Responsibility as True Husband and Wife Couple that will be later on referred to as SPTJM.

**11.** Cases of Domestic Violence is still high despite the existence of Law No. 23/2004 on the Elimination of Domestic Violence. Unfortunately, the protection for victims of domestic violence is limited to cases settled through the criminal law and does not provide protection for victims who use civil law. In fact, most victims of domestic violence resolve their marital problems using civil law. Civil cases on divorce are very vulnerable to threats, violence, and fights to obtain child custody. The judicial system in Indonesia that does not automatically integrate civil and criminal cases in family cases, impedes women who are victims of domestic violence. Most of the women who are victims of domestic violence that have criminal cases are not aware that they can include compensation and child support for the children who are in their custody. As a consequence, women victims cannot obtain their material rights in court decisions.

**12.** The CEDAW committee through its 2012 year end observation reminded the government of Indonesia about health (point No.41) concerning Maternal Mortality Rate that is still very high. The report of the United Nations Department of Economic and Social Affairs (UNDESA) 2010, indicated that the Maternal Mortality Rate (MMR) in Indonesia is 228/100,000 live births. The Report of Indonesia Government on MDGs Achievement in 2015 indicated that the MMR increased to 359/100,000 live births. Based on the 2012 Demography and Health Survey Indonesia (SDKI) 2012, the percentage of female adolescents aged 15-19 years who had given birth and first pregnancy, reaches 9.5%. While

the birth rate by Age Group (ASFR) showed 48. About 11.1 per cent of young women aged 15-19 years had married, at an average age of 10-14 years. Adolescent girls who have given birth at the age of 15-19 years old, reaches 59% and the average age of giving birth under 18 years old and they are susceptible to bleeding and death in childbirth. Babies born to adolescents aged 15-19 years, generally experience: stillbirth, premature and low birth weight.

- 13.** The CEDAW Committee in Final Observations, 2012 (CEDAW / C / IDN / CO / 6-7) reminded the Indonesian government about the state's obligation to ensure women's access to health without discrimination. Indonesia launched the National Health Security program (JKN) on January 1, 2014 to universal coverage for health, which gives access to contraceptives and other reproductive health services for single women (unmarried, single / divorce). However, medical personnel refuse to provide contraception for unmarried women, as Law No.36 of 2009 on Health and Law No. 52 of 2009 on Population and Family Development, asserted that contraception is only given to married couples.
- 14.** Women disability also suffer discrimination in access to reproductive health services. Women with disabilities lack access to information and reproductive health services. As a result, they do not know the ways of prevention of contracting sexually transmitted infections (including HIV) and do not know where and how to obtain contraception, as well as treatment-related reproductive health services. Despite the fact more than 20% of women with disabilities are included in the poor.
- 15.** The number of illiterate people in Indonesia by the end of 2014 is approximately 6,007,486 people or 3.76% of the total population who are aged 15 years old and above. The percentage of illiterate women in the rural area is 9.44% compared to illiterate men which is 4.79%. In the urban area, the number of illiterate women is 3.77% while the number of illiterate men is 1.69%. The inequality in the opportunity to obtain education occurs at the Junior High School (SMP) and Senior High School (SMA) level. Women in the urban area who have a diploma at the SMA level is only 27.8% while the men who have an

SMA diploma is 32.5%. Women in the rural area who have an SMA diploma is only 13.4% while men in the rural area who have an SMA diploma is 16.9%. The length of education of boys in 2014 is 8.23 years or equal to grade VIII (Second Year Junior High School) while the length of education of girls is 7.23 years or equal to grade VII (First Year Junior High School). As a consequence of the low access of women to education, resulted in poor women's access to formal jobs and they are trapped in indecent informal jobs that do not have legal protection. The low access of women to education, also result in a lower number of women in decision making positions. In addition to the level of inequality in education between boys and girls, a serious problem in education is violence in the educational environment, both by educators and by peers.

**16.** Violence against Women and Children is constantly increasing. The Government of Indonesia responded to this by issuing the Amendment of Law No. 35/2014 concerning the Amendment of No. 23/2002 Concerning Child Protection wherein one of the amendments guarantees child protection against sexual violence. However, sexual violence against children is still high. Crime Statistic Indonesia indicate that there are 4,880 rape cases and 10,267 obscenity cases during the period of 2012 – 2014. In early 2016, gang rape became a public concern because the number of cases drastically increased. Koalisi Perempuan Indonesia recorded that, by the end of 2015 until early 2016, there are at least 10 cases of gang rape wherein the number of perpetrators is 4 – 15 persons and the youngest age of the victim is 12 years old. These gang rapes are accompanied by cruel physical torture and in several cases it results to the death of the victim. The Government of Indonesia resolves this situation by imposing severe punishment to the perpetrators, among others, imposing chemical castration and the death penalty. However, the civil society thinks that the castration penalty and death penalty will actually damage the effort to uphold human rights in Indonesia.

**17.** Female Circumcision is still practice in Indonesia. The survey of UNICEF in 2013 to 300,000 households in 33 provinces and 497 cities in Indonesia indicates that, more than 10 girls were circumcised before they reach the age of 12 and the Circumcision starts from type 1 until type 4. Female circumcision

is also a health service commodity offered by Hospitals, Maternal and Child Health Clinics, and Public Health Centers. This service is usually offered as a package, circumcision and ear piercing. This is an indication that institutions that provide health services and health workers consider female circumcision as a business opportunity, even though they are aware that this is not beneficial to health and the doctors and midwives did not obtain education and/or training on female circumcision.

**18.** Trafficking in persons in Indonesia is still the third largest in the world. Police Data in 2011-2013 indicates that there are 509 cases<sup>7</sup> of trafficking in persons wherein 213 of the cases are exploitation of workers and 205 are sexual exploitations. The number of victims is composed of 1,172 persons and 74% of the victims are women and girls. The data of the Ministry of Foreign Affairs indicates that trafficking in persons that occur in the sending of migrant workers is constantly increasing. In 2013, there are 186 cases of trafficking in persons through migration. In 2014, there are 365 cases or it increased to 96% from the previous year. In 2015, there are 482 cases or it increased to 32% from the previous year. The data of IOM (International Organization for Migration) in 2014 indicated that 7,193 are victims of trafficking in persons in Indonesia, 5,898 of the victims are women or 82% of the victims while 1,295 of the victims are men or 18% of the victims. Only a few of the cases reached court proceedings and very few of the victims obtained justice, especially the right of the victim to obtain restitution.

**19.** Cases of Trafficking in People is also closely related to Drug Trafficking because of the modus operandi that used women as “couriers” to bring drugs to other countries. This crime is carried out by putting drugs in the bag or other belongings of women without their knowledge and permission. Mary Jane Veloso (Filipino) and Merry Utami (Indonesian) are two women who are victims of trafficking in people using this modus operandi. The sentence of these women is the death penalty in Indonesia and was almost executed in 2016.

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<sup>7</sup> The data was presented by the Police Department of the Republic of Indonesia in the National Coordination Meeting for the Eradication of Trafficking in Persons and the Handling of Victims, 24 August 2015.

Although Mary Jane & Merry Utami stated that they are not aware of the illegal drug that is inside their bag and said that they are victims who were trapped to carry illegal drugs, the international and national legal instruments does not recognize the crime of women trafficking for drug crime, like what was experienced by these women.

**20.** The Government of Indonesia has issued Law No. 39/2004 concerning the Placement and Protection of Indonesian Workers Abroad (PPTKILN). However, this Law has not yet protected women migrant workers who experienced problems, violence in the work place or those who are victims of trafficking in persons. The PPTKILN Law is more concerned with the 'placement business'. The government has ratified the International Convention on The Protection of The Rights of All Migrant Worker and Members of Their Families (1990 UN Convention) through Law No. 6/2012. However, up to now, the harmonization of these different national policies is not yet carried out.

**21.** Majority of the Indonesian Women Migrant Workers work in the domestic sector. Women migrant workers are vulnerable to various forms of discriminations and human rights violations. Solidaritas Perempuan handled 209 cases in 2012-2016 wherein 97% of the victims are women, especially Migrant Workers who work as household helpers and 25% of these cases are victims of trafficking. Among others, the cases are: the practice of brokering, debt trap, gentle persuasion and craftiness, falsification of documents, deception, confinement, coercion in signing the work contract, and various forms of exploitation, including extensive work load and long working hours. Most of the women migrant workers experienced more than one form of violence and human rights violation. In all of the cases, it was disclosed that the women migrant workers do not hold their work contract, passport, and work permit. Indonesian Migrant Workers are also vulnerable to become victims of unjust judicial proceedings, they are sentence with the death penalty and imprisonment even though it is not proven that they committed a crime or they are force to defend themselves from the violence committed by their employer. These unjust judicial proceedings occur because of the absence of assistance and Legal Aid from the government. The Roadmap Zero Domestic Workers

policy of the Government of Indonesia actually discriminates women migrant workers. This policy actually increases people trafficking and smuggling.

**22.** In UPR 2012, the government was recommended to ratify the ILO Convention No. 189 concerning Decent Work for Domestic Helper. However, this recommendation is not yet carried out by the government. Women Domestic Helper (PRT) is vulnerable to violence, exploitation, and human rights violations. The data of JALA PRT indicates that, since the issuance of the recommendation of the CEDAW Committee in 2012, up to 2015, there are 1,474 cases of violence against domestic helpers. Most of these cases of violence against domestic helpers are characterized as layered, such as, unpaid wages, confinement, torture, and sexual harassment. About 35% of these cases are cases of trafficking in people perpetrated by the agent and employer. Up to now, there is still no legal protection for domestic helpers.

**23.** Women workers who work in the formal sector are also vulnerable to violence and discrimination. The data of BPS in 2014 indicated that out of the 342,616 women workers (formal sector), only 288,614 women workers are absorbed in the world of workers, particularly in labor intensive industries. As a consequence of the low access to education, most women workers work as uneducated and untrained women workers and they are positioned in the lowest layer of the structure and classification of workers. Because of their position, the women are vulnerable to violence, especially sexual violence, and the unilateral work termination of the employer. The Labor Market Flexibility Policy of the government that was applied to attract investments is very detrimental to workers because it allows companies to apply short-term work contracts, Outsourcing, and it allows the status of daily paid workers. As a consequence, there is no work security and the normative rights of the workers are not protected. Discriminations in terms of wages and the violation of the right to obtain maternity leave are still experienced women workers.

**24.** Women fishers and fishing boat workers are also experiencing discrimination. The contribution of female fishers in providing and managing food is very significant. In particular, this contribution is the catching of the fish, the

processing of the catch, and the selling of the catch. Law No. 7/2016 concerning the Protection and Empowerment of Fishers, Fish Cultivation and Salt Farmers has does not fully protect women who are fishers. On the one hand, this Law recognizes the existence of women as fishers, especially the traditional fishers and fish cultivation. However women's fisher, particularly fishermen traditionally vulnerable to poverty because Coastal Reclamation policies made by the government.

25. Until now, Women Plantation Workers are still experiencing injustice. They are treated as daily paid workers without a work contract and they are required to buy their own safety work<sup>8</sup> equipment. Plantation workers are vulnerable to violence committed by the plantation supervisor, they can be contaminated by the chemical products used in the plantation, they are not protected by labor regulations, and they experience violation on their right to obtain a leave of absence in relation to their reproductive organ, such as, menstrual leave, maternity leave, child birth leave.

26. The government is making efforts to attain food security through Law No. 19/2013 concerning the Protection and Empowerment of Farmers, Law No. 18/2012 concerning Food, Law No. 41/2009 concerning the Protection of Sustainable Agricultural Lands, and Law No. 6/2014 concerning Village. However, these Laws have not yet guaranteed the attainment of food security in Indonesia. As a consequence of the food politics of the Government of Indonesia that is based on free trade and relies more on imported food rather than strengthen agriculture, and inconsistent in maintaining agricultural lands and forests, food security and food sovereignty in Indonesia is not yet attained. The low purchasing power of the society is confronted by the price of food that is continuously experiencing fluctuations. As such, the society could not obtain the food that they need and this leads to the high number of malnutrition of the children under the age of five and the anemia of pregnant women.

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<sup>8</sup> Result of the investigation of *Solidaritas Perempuan* in several plantation areas

27. Law No. 8/2012 which is the legal basis of the general election in 2014 regulates the Temporary Special Action (affirmation action) to urge the political representation of women. This Law regulates the 30 percent minimum requirement for the representation of women in the list of candidates proposed by political parties and the placement of one woman candidate in every three candidates. The Regulation of the Commission on General Election (PKPU) reaffirms this stipulation by forcing political parties to include the 30% minimum requirement for women in the list of candidates in every election area and to impose the sanction of disqualification if this is not implemented. This stipulation only succeeded in attaining the 30% representation of women in the election of the members of the legislative body. Out of the 6,619 candidate members of the legislative body from the political parties who participated in the election in 2014, 2,467 or 37% are women. However, the result of the Legislative Election in 2014 indicated that only 97 women (17.3%) were elected as members of DPR out of the 560 seats available. This number decreased compared with the election in 2009, namely; 103 or 18% women were elected.

28. The issue of the indigenous people in Indonesia is related to the natural resources. This issue starts from the State control of forests through territorializing forest area that brings about the marginalization of forest dwellers and indigenous people. This territorializing is conducted in the area of the indigenous people and it is carried out by providing licenses and concessions to extractive companies and to the state conservation area. Because of the concession given to extractive companies or for conservation in the area of the indigenous people, criminalization, violence, terror, and intimidation occurs which in turn will lead to the impoverishment of indigenous women. Indigenous women experience different problems, such as: they lose their residence and their lands (plantation and field) which are their sources of livelihood, they experience violence and they lose their security because they are evicted by the National Park project. The operation of extractive companies in the areas of the indigenous people also contributes to the impoverishment of indigenous women because the areas managed by these women, like, rivers and rice fields are seized. In turn, this will reduce food production and they will lose their

source of clean water because of the solid waste of the companies that pollute the environment. For example, as a consequence of the Merauke Integrated Food and Energy Estate (MIFEE) Program in the area of the Malind-Anim indigenous group, the availability of food became scarce, the health of the indigenous women and children deteriorated, and the number of children under the age of five who is suffering from malnutrition increased. The seizure of lands by private companies and the government is also a form of the impoverishment of indigenous women because they are evicted from their lands and they are forced to work outside of the community.

29. Indigenous women also experience discrimination in their community. As a consequence of the domination of men in decision-making processes, women are marginalized from decision-making processes related to the planning, implementation, and monitoring of development in the area of the indigenous people, as well as the formulation and enactment of the Customary Law. The indigenous community believes that women do not have the right to inheritance and land affairs. Companies and the regional government perpetuate this discrimination by involving only the leaders of the indigenous people, who are incidentally, all men, in the socialization, consultation, and negotiation of the use of the land of the indigenous people. The weak position of women in the indigenous community contributes to the vulnerability of indigenous women, especially violence in marriage and in the family. Indigenous people consider the violence of husband towards his wife normal because indigenous women are considered bought through dowry. There are still many indigenous practices that are detrimental to women. In East Nusa Tenggara, when the husband of a wife dies, the wife should return the dowry to the family of the husband and she can only bury her husband if the said dowry is paid..

30. The government of Indonesia recognizes the vulnerability of women and children with disabilities and it provided a special protection through Law No. 8/2016 concerning Disability Support. This Law regulates the special protection of women with disabilities so that they can obtain their right to reproductive health, and to protect them from layers of discrimination and violent acts, including violence and sexual exploitation. However, so far, based on the

available data and information, the violence experienced by women with disabilities are still at the minimum and it is scattered at the local and national and level.

31. Discrimination and violence against religious minority groups intensified in the last 10 years; starting from, hate spreading, deception, dispersal of LGBT discussions, shut down of critical public spaces, attacking the village of minority groups, up to the burning of places of worship. At present, thousands of men, women, and children of religious minority groups do not have a clear future and they are forced to become Islam. Hundreds of letters from the *Yasmin* congregation were sent to the President asking for the protection of their right to worship because their Church was closed by the society and the Regional Government. The women and children in the refuge area are suffering and the burden of women is doubled because they cannot fulfil their basic needs and they are ostracized because they are branded “lost”. Furthermore, various forms of violence and violent threats are also experienced by minority groups, namely; burning of their place of worship, attacking the village of minority groups, labelling them as lost flow, and spreading hate towards LGBT<sup>9</sup>.

32. The Report on Violations against Freedom of Religion and Religious Beliefs (KBB) in 2015 indicated that, there have been 147 cases and the perpetrators are the state apparatus. In 2015, *Komnas Perempuan* disclosed that 399 Regional Regulations are discriminative towards women. The Minister of Home Affairs has already revoked 3,143 Regional Regulations, but limited to the Regional Regulations that hamper investments and the Regional Regulations that are discriminative towards women were not included. These violations on KBB is also in line with the growth and strengthening of radical extremist groups that tends to be intolerant, puritan, and they push for the enforcement of *syariat* Islam and they even support terrorism. As a consequence of the compliant stance of the government and the throwing of the responsibility from one to another in resolving this conflict; as well as the program that is based on

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<sup>9</sup> Notes of the assistance of *AMAN Indonesia*, 2015

resolving the situation rather than solving the root problem, it is obvious that resolving this conflict has a shade of religion.

#### **IV. Recommendations:**

1. To urge the government of Indonesia to effectively disseminate ICCPR, ICESCR, CEDAW, CRC, CERD, and CRPD and formulate a National Strategy for the Elimination of Discrimination against Women in all aspects.
2. To urge the government of Indonesia to eliminate discrimination against women in Marriage and Family Relationships, and use CEDAW and CRC as guidelines in making an effective strategy to prevent and eliminate Child Marriage and Female Circumcision.
3. To urge the government of Indonesia to take strategic steps in the field of education in order to eliminate gender-based discriminations, thoroughly implement 12 year compulsory education, end violence in education, and integrate the material of Sexual Right and Reproductive Health (SRHR) in the curriculum of the different levels of the national education.
4. To urge the government to ensure access to legal aid and quality and free recovery assistance for victims of Domestic Violence (KDRT) To push for the presence of a family court mechanism that will provide protection to the women who are victims of KDRT, not only in terms of a criminal case but also in a civil case in State Courts and Religious Courts; and ensure that the rights of the victims of KDRT are not lost in the court proceedings and after the marriage is over. Raise the fund allocation for the dissemination and monitoring of Law PKRDT from the National and Local Budget. Make a policy and supervision mechanism for the execution of the court decision and these should be accompanied by a firm sanction in terms of the right to obtain support and child custody after the divorce.
5. To urge the government of Indonesia to ensure the implementation of the universal coverage access in health services that also includes single women (including access to contraceptives).

6. To urge the government of Indonesia to accelerate the deliberation and ratification of the Draft Protection of Indonesian Workers Abroad Law by emphasizing protection and limiting the role of the private sector in the placement business and give back to the State its full responsibility in the protection and placement of migrants workers, supervising and enforcing the law against violators of the rights of women migrant workers, both, by an individual and/or legal body, and enhancing the function of the supervision of state instruments/institutions that implement placement and protection.
7. To urge the government to immediately deliberate and ratify the Draft Protection of Domestic Helpers Law and to ratify ILO Convention No. 189.
8. To urge the Government and DPR to amend the Politic Law Package (including Law No. 2/2011 concerning Political Parties, Law No.15/2011 concerning the Holding of Election, Law No. 12/2012 concerning Election, and Law No. 17/2014 concerning MPR, DPR, DPD and DPRD) by formulating stipulations that can really guarantee the increase of women representation in decision-making institutions.
9. Urge the Government and the House of Representatives (DPR) to prioritize and ratify the Draft Indigenous People Law in the 2017 National Legislation Program, and immediately form the Indigenous People Task Force.