

## **against Women**

### **Fifty-second session**

9-27 July 2012

## **Concluding observations of the Committee on the Elimination of Discrimination against Women**

### **Indonesia**

1. The Committee considered the combined sixth and seventh periodic report of Indonesia (CEDAW/C/IDN/6-7) at its 1043rd and 1044th meetings on 11 July 2012 (CEDAW/C/SR.1043 and 1044). The Committee's list of issues and questions is contained in CEDAW/C/IDN/Q/6-7, and the responses of the Government of Indonesia are contained in CEDAW/C/IDN/Q/6-7/Add.1.

#### **A. Introduction**

2. The Committee expresses its appreciation to the State party for its combined sixth and seventh periodic report, which was well structured and, in general, followed the Committee's guidelines for the preparation of reports, although it lacked references to the Committee's general recommendations and to some specific sex-disaggregated data. The Committee expresses its appreciation to the State party for its oral presentation, the written replies to the list of issues and questions raised by the pre-session working group, and the further clarifications to the questions posed orally by the Committee.

3. The Committee commends the State party for its high-level delegation, which was headed by Linda Amalia Sari, Minister of Women Empowerment and Child Protection and included the Secretary of the Ministry of Women Empowerment and Child Protection; the Deputy-Ministers for the Protection of Women and Gender Mainstreaming in the economy; and representatives of various ministries. The Committee appreciates the constructive dialogue that took place between the delegation and the members of the Committee, although answers to some questions were not clear.

#### **B. Positive aspects**

4. The Committee congratulates the State party for the progress it has made towards achieving equality for women since the consideration of its last constructive dialogue. Among the laws and regulations recently adopted by the State party, the Committee particularly welcomes the following:

(a) The adoption of Law No. 2/2011, on political parties, in which provision is made for quotas for women in political party structures at the national and regional levels, and Law No. 8/2012, on general elections, in which provision is made for a 30 per cent quota for women candidates on the electoral lists of political parties for the general elections of regional legislative bodies;

(b) The issuance of the Ministerial Regulation No. 1/2010, on a minimum service standard on integrated service for women and children victims of violence; and

(c) The issuance of the Financial Ministerial Regulation No. 93/2011, on gender-responsive budgeting to support gender mainstreaming and equality in the national development.

5. The Committee notes with appreciation the adoption of the National Action Plan on Human Rights 2011-2014 promulgated by Presidential Regulation No. 23/2011. It further notes with appreciation the establishment of the task force on migrant workers and the efforts of the Government to prepare the bill on gender equality.

6. The Committee also notes with satisfaction that, in the period since the consideration of the previous report, the State party has ratified:

(a) The Convention on the Rights of Persons with Disabilities, in 2011;

(b) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in 2012;

(c) The United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, in 2009;

(d) The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

7. The Committee welcomes the oral commitment of the delegation to ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

8. The Committee also commends the State party's leadership role in promoting the intergovernmental Commission on Human Rights in the Association of Southeast Asian Nations (ASEAN) region, and commends the establishment of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children.

#### **C. Principal areas of concern and recommendations**

9. The Committee recalls the obligation of the State party to systematically and continuously implement, without delay, all the provisions of the Convention and views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party.

## Parliament

10. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of Government and invites the State party to encourage the Parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations between now and the State party's next reporting process under the Convention.

## Visibility of the Convention

11. While welcoming the holding of events on women's rights and the hosting of regional workshops on the advancement of women in Asia and the Pacific by the National Commission on Violence against Women, the Committee remains concerned that women in the State party are unaware of their rights under the Convention and thus lack the capacity to claim them. The Committee is also concerned about the lack of awareness of the Convention among the judiciary, the legal profession and law enforcement officials, and about the failure to fully and systematically incorporate the Convention throughout Indonesian law.

12. The Committee recommends that the State party:

(a) Enhance women's awareness of their rights and the means to enforce them, and ensure that information on the Convention is provided to all women and men through all appropriate means, including the media;

(b) Provide training to judges, including those of religious courts, prosecutors and lawyers so that a legal culture supportive of women's equality with men and non-discrimination on the basis of sex is firmly established in the State party;

(c) Take immediate steps to ensure that the provisions, principles and concepts of the Convention are fully applicable and used in all national and regional laws by fully incorporating the Convention into domestic law.

## Definition of discrimination against women

13. While noting that discrimination on the basis of sex is prohibited in article 8 of the Constitution and in Law No. 39/1999, on human rights, the Committee reiterates its concern that there is no clear definition of discrimination modelled on article 1 of the Convention in the Constitution or in other legislation.

14. The Committee reiterates the recommendation made in its previous concluding observations (CEDAW/C/IDN/CO/5, para. 9) and calls upon the State party to incorporate that recommendation into its Constitution or national legislation.

## Constitutional and legislative framework

15. The Committee is deeply concerned about the failure to consistently implement the provisions of the Convention at the provincial and district levels, even though the Constitution empowers the central Government to do so. The Committee notes that, owing to the policy of decentralization (Law No. 32/2004), many regions have increasingly implemented laws and policies that severely discriminate against women, and therefore women have lost fundamental rights that they had previously been able to exercise freely. The Committee is also deeply concerned about the increased influence of fundamentalist religious groups advocating restrictive interpretations of sharia law, which has resulted in discrimination against women.

16. The Committee reiterates the recommendations made in its previous concluding observations (CEDAW/C/IDN/CO/5, para. 13) and urges the State party to ensure the implementation of the Convention throughout the country by, among other things, striking down any discriminatory provisions at the provincial and district levels and to provide leadership to the provinces and districts in this regard, highlighting that the decentralization of power in no way reduces the direct responsibility of the State party's central Government to fulfil its obligations to all women within its jurisdiction, under its international commitments.

## Discriminatory laws

17. The Committee is deeply concerned about the persistence of a large number of discriminatory laws at the national level, in particular the provisions in the Marriage Act of 1974. The Committee is further concerned about the discriminatory by-laws, including those identified by the National Commission on Violence against Women and the Ministry of Law and Human Rights. Although the national Government annulled various by-laws between 2002 and 2011, the State party has not taken any action towards those by-laws which constitute discrimination against women. The Committee is deeply concerned about severely discriminatory by-laws, including those in the province of Aceh, which restrict women's rights in the conduct of their daily life, including in social and public life; impose dress codes; restrict freedom of movement; and severely penalize alleged immoral relationships.

18. The Committee recommends that the State party:

(a) Repeal, within a clear time frame, all discriminatory laws against women, including those identified by the National Commission on Violence against Women and the Ministry of Law and Human Rights, to ensure that the legislative

framework complies with the obligations of the State party under the Convention; and repeal, in particular, discriminatory provisions of Marriage Law No. 1/1974;

(b) Amend all discriminatory by-laws adopted at the provincial level, including those in the province of Aceh and certain districts, which restrict women's rights in the conduct of their daily life, including in social and public life, impose dress codes and restrict freedom of movement; and review the penal sanctions against alleged immoral relationships;

(c) Raise the awareness of religious groups and leaders about the importance of amending legal provisions; increase support for law reform through partnerships and collaboration with Islamic jurisprudence research organizations, civil society organizations, women's non-governmental organizations and community leaders supportive of the advancement of women's rights; and obtain information on comparative legislation and jurisprudence in which more progressive interpretations of Islamic law have been codified and applied.

### **National machinery for the advancement of women**

19. While noting the positive role played by the National Commission on Violence against Women and the National Commission on Human Rights, the Committee is concerned that the Ministry of Women Empowerment and Child Protection is underresourced and lacks sufficient influence, and that the State party lacks a national gender policy. The Committee is further concerned about the delay in adopting the draft law on gender equality and in ensuring that it will fully conform with and implement the State party's obligations under the Convention.

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

(a) Raise the awareness of decision makers about the empowerment of women as a means to advance democracy, non-discrimination and gender equality;

(b) Strengthen the national machinery for the advancement of women at the national, regional and local levels by providing it with the human, technical and financial resources necessary for its effective functioning and ensuring that its activities are fully supported by political power at all levels of its exercise;

(c) Consider developing a national gender policy;

(d) Provide adequate resources to the National Commission on Violence against Women and the National Commission on Human Rights;

(e) Adopt, without delay, the law on gender equality and ensure that it fully conforms with and implements the State party's obligations under the Convention.

### **Female genital mutilation**

21. The Committee is deeply concerned about the serious regression with regard to the practice of all forms of female genital mutilation, including female circumcision, which is a violation of the Convention and the Committee's general recommendations No. 14 (1990), on female circumcision; No. 19 (1992), on violence against women; and No. 24 (1999), on women and health. It is particularly concerned that the State party replaced the 2006 Circular Letter of the Director General of the Medical Service of the Ministry of Health, which banned the practice of "female circumcision", by the regulation of the Ministry of Health of November 2010 (Regulation No. 1636/MENKES/PER/XI/2010), which authorized certain medical practitioners to conduct "female circumcision", following the issuance of two fatwas by the Indonesian Council of Ulemas, in 2008 and 2010.

**22. In line with its general recommendations No. 14 (1990), on female circumcision, No. 19 (1992), on violence against women, and No. 24 (1999), on women and health, the Committee urges the State party to:**

(a) Withdraw the regulation of the Ministry of Health issued in November 2010 (Regulation No. 1636/MENKES/PER/XI/2010) authorizing "female circumcision" when performed by medical practitioners; restore the 2006 Circular Letter of the Director General of the Medical Service of the Ministry of Health, which banned the practice of "female circumcision"; and adopt robust legislation that will criminalize all forms of female genital mutilation, including female circumcision, and provide sanctions against offenders;

(b) Raise awareness among religious groups and leaders and the population in general about the fact that all forms of female genital mutilation, including female circumcision, is a violation of the human rights of women and about the criminal nature and harmful effects of this practice;

(c) Sensitize and collaborate with religious groups and leaders who advocate "female circumcision" on the harmful effects of the practice, and encourage those groups to engage in comparative studies with other regions and/or countries which do not have this practice.

### **Stereotypes and harmful practices**

23. While noting that the State party has taken measures to eliminate stereotypes, such as the periodical review of school curricula, the introduction of a gender perspective in education and religion and the conduct of public and media awareness campaigns, the Committee remains deeply concerned at the persistence of adverse cultural norms, practices, traditions, patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in the family and in society. It notes that stereotypes contribute to the persistence of violence against women and practices harmful to women and girls, such as female

circumcision, early marriage, arranged marriage and polygamy. The Committee expresses its deep concern that the State party has not taken sufficient sustained and systematic action to modify or eliminate stereotypes and harmful practices.

**24. The Committee recommends that the State party put in place, without delay, a comprehensive strategy with a results-oriented approach to eliminate harmful practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include concerted efforts, with a clear time frame and in collaboration with civil society, to provide education and raise awareness about the subject, targeting women and men at all levels of society, and should involve the school system, the media and community and religious groups and leaders.**

### **Violence against women**

25. The Committee welcomes the adoption of a national action plan on human rights for the period 2011-2014 that provides strategies on violence against women, the issuance of Ministerial Regulation No. 1/2010, on a minimum service standard on integrated service for women and children victims of violence, the signing of a memorandum of understanding between the Minister of Law and Human Rights and the Association of Indonesian Legal Counsel on access to justice for women victims of violence, and, in 2009, of a memorandum of understanding between the Legal Aid Institute for Women's Protection and the Office of the Attorney General on a programme for training in handling cases of violence against women and children. The Committee also welcomes the conduct of awareness-raising programmes on violence against women, but remains concerned about:

- (a) The limited information provided on the prevalence of violence against women;
- (b) The limited number of cases of rape and sexual assault brought to court; the lenient punishments meted out to those convicted of offences related to violence against women; and practices such as the mediation of the police in rape cases, the payment of a fine as the settlement of the case, the practice of marrying the victim to the rapist and the stigmatization of victims of rape;
- (c) The absence of a monitoring mechanism for the enforcement of Law No. 23/2004, on domestic violence;
- (d) The failure to criminalize marital rape under the Criminal Code and the absence of any reference to rape or marital rape in Law No. 23/2004, on domestic violence.

**26. In accordance with its general recommendation No. 19 (1992), on violence against women, the Committee recommends that the State party:**

- (a) Collect data on the relationship between the victim and the perpetrator and disaggregated data on the number of complaints, prosecutions, convictions and sentences in relation to sexual and gender-based violence, rape and domestic violence, and include such data in its subsequent report;**
- (b) Encourage women and girls to report acts of violence to the competent authorities by raising awareness of the criminal nature of violence against women, de-stigmatizing victims and training the judiciary, including judges of religious courts, prosecutors, lawyers and law enforcement and medical personnel on standardized and gender-sensitive procedures for dealing with victims and effectively investigating their complaints;**
- (c) Prosecute all acts of domestic and sexual violence against women and girls, punish perpetrators and adequately compensate victims, and consider establishing a monitoring mechanism to ensure the enforcement of Law No. 23/2004, on domestic violence;**
- (d) Consider amending the Criminal Code and Law No. 23/2004, on domestic violence, to define and criminalize marital rape, in line with the Convention and general recommendation No. 19 (1992) of the Committee, on violence against women.**

### **Violence against women in conflict**

27. The Committee is deeply concerned that sexual violence, especially rape, has reportedly been a recurring form of violence against women during conflict, including the events of 1965, the 1974-1999 conflict in the then East Timor Province, the May 1998 riots, the conflict in Aceh Province, the deployment of security and defence forces in Maluku Province and Poso (Central Sulawesi Province) and the conflicts in East Java and Papua Provinces. The Committee is concerned about the failure to prosecute and punish those responsible for violations of the human rights of women committed during the conflicts. It is further concerned about the lack of progress in providing women victims of sexual violence with justice, truth, reparation and rehabilitation for such human rights violations. The Committee is also concerned about the delay in finalizing and adopting the new draft law establishing a national truth and reconciliation commission after the Constitutional Court, in 2006, repealed Law No. 27/2004, which had established a commission. The Committee is further concerned about reports indicating that many women and children remain internally displaced in the State party, including a large number of people recently displaced by renewed intercommunal violence in Maluku and East Java Provinces and by operations targeting rebels of the Free Papua Movement in Papua Province.

**28. The Committee urges the State party:**

- (a) To promptly investigate, prosecute and punish all acts of violence against women, including acts of sexual violence, perpetrated by private actors and by the security and defence forces, the police and militant groups, ensuring that inquiries are conducted exhaustively, impartially and transparently;**
- (b) To provide full and effective reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, to all victims of human rights violations committed during the conflicts;**

**(c) To take comprehensive measures to provide medical and psychological support to women victims of violence, including sexual violence, committed during the conflicts, and to establish counselling centres for women to overcome their traumatic experiences;**

**(d) To adopt the new draft law providing for the establishment of a national truth and reconciliation commission and to ensure that the commission has broad powers to receive complaints and investigate grave human rights violations;**

**(e) To ensure the security of internally displaced women and to allocate adequate resources to meet their needs, in particular their access to a livelihood, water and education for themselves and their children;**

**(f) To include women in the post-conflict reconstruction and peacebuilding process;**

**(g) To consider ratifying the Rome Statute of the International Criminal Court.**

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

29. The Committee welcomes the ratification in 2009 of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Committee is concerned, however, about the lack of sufficient data on trafficking; the gaps in the enforcement of Law No. 21/2007, on the eradication of the crime of trafficking in persons, and of the National Plan of Action for the Elimination of Trafficking in Women and Children; the low number of persons convicted of and punished for trafficking; and the persistence of the prostitution of women and girls.

**30. The Committee reiterates the recommendations made in its previous concluding observations (CEDAW/C/IDN/CO/5, para. 25) and calls upon the State party:**

**(a) To address the root causes of trafficking by further enhancing the economic potential of women and to raise awareness among the population in rural areas and areas of origin of women migrant workers on the dangers of traffickers and the way in which traffickers operate;**

**(b) To collect data and establish appropriate mechanisms aimed at early identification and referral of, and assistance and support for, victims of trafficking, including women migrant workers, and to provide them with remedies;**

**(c) To strengthen mechanisms for the investigation, prosecution and punishment of traffickers; to ensure the effective enforcement of Law No. 21/2007, on the eradication of the crime of trafficking in persons, and the implementation of the National Plan of Action for the Elimination of Trafficking in Women and Children; and to increase the budget allocated to the Plan;**

**(d) To increase international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange and to harmonize legal procedures aimed at the prosecution and punishment of traffickers;**

**(e) To take a comprehensive approach to addressing the question of prostitution, including exit programmes for women who wish to leave prostitution, and to ensure, in particular, that underage girls are offered the support that they need to be rehabilitated and reintegrated into society.**

### **Participation in political and public life**

31. The Committee welcomes the adoption of Law No. 2/2011, on political parties, in which provision is made for quotas for women in political party structures, and Law No. 8/2012, on general elections, in which provision is made for a 30 per cent quota of women candidates on the electoral lists of political parties for the general elections of regional legislative bodies. The Committee regrets, however, that the law does not require at least one of every three candidates on the electoral lists to be female and is concerned about the legal situation that arose following the decision of the Constitutional Court of 23 December 2008 to strike down the quota system established for elections to the House of Representatives. It notes with concern the low participation of women in political and public life, including in the House of Representatives (17.86 per cent), the House of Regional Representatives (27 per cent), the provincial houses of representatives (13 per cent), the Supreme Court (4 of 49 judges) and the Constitutional Court (one of nine judges).

**32. The Committee recalls its general recommendations No. 23 (1997), on women in political and public life, and No. 25 (2004), on temporary special measures, and recommends that the State party:**

**(a) Review Law No. 8/2012, on political parties, to ensure that at least one of every three candidates on the electoral lists for the general elections of regional legislative bodies is female, or introduce an alternative system that will ensure that women account for at least 30 per cent of those elected;**

**(b) Consider:**

**(i) Extending the 30 per cent quota of women candidates to the general elections of the House of Representatives, the provincial houses of representatives and local elections;**

**(ii) Providing incentives for political parties to nominate more women as candidates;**

**(c) Create an enabling environment for political participation of women at all levels, including in village development**

planning forums, such as by educating young women leaders and strengthening women ' s wings of political parties;

**(d) Adopt other temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25 (2004) of the Committee, on temporary special measures, such as a gender parity system for appointments and accelerated recruitment of women in senior positions.**

## **Nationality**

33. While noting with appreciation that the State party has held a campaign on birth registration and has increased funding of provincial and district/municipal governments administering birth registration, the Committee remains deeply concerned that a large number of childbirths have not been registered and that the lack of information, bureaucratic obstacles and financial barriers prevent poor and rural women from registering births and obtaining birth certificates.

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

**(a) Ensure the effective implementation of Law No. 23/2002, on child protection, which provides that every child must be given an identity from birth and Law No. 23/2006, on population administration, which provides that the issuance of the birth certificate shall be free of charge; and establish a monitoring mechanism to ensure the enforcement of these laws;**

**(b) Strengthen its public awareness-raising campaigns and take concrete measures to ensure that poor and rural women are aware of the requirements relating to birth registrations and certificates and are able to easily access the birth certificate and registration services provided by the Government;**

**(c) Consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

## **Education**

35. The Committee welcomes the fact that 20 per cent of the national budget is allocated to education and that the State party is on track to achieve the Millennium Development Goals targets for primary education and literacy. However, the Committee remains concerned about the dropout rate among girls owing to farming work and early pregnancy and about the difficulties girls face in accessing quality education in poor and/or rural areas as well as about girls working in domestic service. The Committee is also concerned about the gender-segregated nature of the disciplines favoured by girls and boys, particularly in vocational education, that disadvantage girls in terms of acquiring income-generating skills.

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

**(a) Ensure equal access of girls and young women, including those working in domestic service, to all levels of education and take measures to retain girls in schools, including by providing public scholarships for girls and incentives for parents and employers to send their daughters and domestic workers to school and by enabling young women to return to school after pregnancy;**

**(b) Ensure that technical and vocational training enables girls to acquire income-generating skills by also orienting them towards traditionally male-dominated careers, such as in services and trade and innovative sectors.**

## **Employment**

37. The Committee is deeply concerned about:

(a) The exclusion of domestic workers, a high proportion of whom are women, from the protections afforded to other workers by the Manpower Act of 2003, including on minimum wage, overtime pay, the number of hours worked per day, a weekly day of rest and social security;

(b) The delay in adopting the draft law on domestic workers;

(c) The lack of accurate data on domestic workers;

(d) The persistence of child labour, in particular the situation of girl child domestic workers who work long hours, do not have access to education and may be subjected to violence, and the lack of effective and concrete measures to eliminate this phenomenon.

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

**(a) Adopt, within a clear time frame, the draft law on domestic workers and ensure that it:**

**(i) Is in compliance with the Convention;**

**(ii) Includes minimum wage, overtime pay, the regulation of the number of hours worked per day, a weekly day of rest and social security;**

**(iii) Provides domestic workers with the right to freedom of movement, communication and access to information;**

**(b) Conduct awareness-raising campaigns through the media and public education programmes on the situation of girls performing domestic work and their rights; support unions working with domestic workers and strengthen labour-**

inspection mechanisms;

**(c) Create a mechanism whereby workers may lodge complaints of abuse regarding unfair labour practices in the domestic sphere and further develop support services and shelters for victims of abuse in the domestic sphere;**

**(d) Collect data on domestic workers, disaggregated by sex, age and areas of origin (rural or urban);**

**(e) Take all the measures necessary to eradicate domestic child labour, and ensure that children, in particular girls, have access to education, health care and social protection, as well as enjoy the protection of the minimum labour standards elaborated by the International Labour Organization (ILO); and engage in a public outreach campaign to inform the population about the need to ensure that the rights of all children are respected, including access to education and medical care;**

**(f) Ratify the ILO Convention concerning decent work for domestic workers (No. 189).**

39. The Committee is also concerned about the increase in the gender wage gap in the technical professions, while noting with appreciation that the general gender wage gap has narrowed; and about the lack of legal protection for women against sexual harassment in the workplace.

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

**(a) Monitor and close the gender wage gap in technical professions;**

**(b) Consider amending the legislation, with a view to prohibiting and introducing adequate sanctions for sexual harassment in the workplace.**

## **Health**

41. The Committee is concerned about:

(a) The limited percentage of the national budget allocated to health care;

(b) The persistent high rate of maternal mortality (228 maternal deaths per 100,000 births) and the gross disparities between deliveries in health facilities among women in rural (28.9 per cent) and urban areas (70.3 per cent);

(c) The insufficient provision of comprehensive education on sexual and reproductive health and rights, which is limited, in practice, to married couples and does not reach women domestic workers;

(d) The requirement for the husband's consent for women to access some methods of contraception;

(e) The lack of data on unsafe abortions in the country;

(f) The very limited period to undergo abortion (six weeks) and the absence of exception to the criminalization of abortion when pregnancy is harmful to the mother's health and in cases of incest, which leads women to seek unsafe and illegal abortions; and the need for the consent of the husband to undergo a legal abortion;

(g) The sharp rise in the prevalence of HIV/AIDS (from 2,682 cases in 2004 to 19,973 cases in 2009), which reflects both the spread of infection and better reporting as a result of the growing availability and utilization of counselling and testing.

**42. In line with its general recommendation No. 24 (1999), on women and health, the Committee calls upon the State party to:**

**(a) Ensure that adequate funding is allocated to health, and establish a system for monitoring the effective and transparent delivery of health-care services;**

**(b) Strengthen its efforts to reduce the incidence and eliminate the causes of maternal mortality;**

**(c) Widely undertake education on sexual and reproductive health and rights, including to unmarried women and women domestic workers, by undertaking large-scale awareness-raising campaigns for the population in general, with special attention to early pregnancy and the importance of using contraceptives for family planning and for the prevention of sexually transmitted diseases, including HIV/AIDS; and ensure that, in practice, women can access contraception without requesting the consent of their husband;**

**(d) Collect data on the prevalence of unsafe abortion, disaggregated by age and areas of origin (rural or urban);**

**(e) Extend the time limit to undergo abortion and decriminalize abortion in cases of incest and where the health of the pregnant woman or girl is in danger, authorize women to undertake abortion without the consent of their husband and provide safe abortion and post-abortion services;**

**(f) Take holistic measures to combat the HIV/AIDS pandemic and ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance.**

## **Women migrant workers**

43. While welcoming the establishment of a task force on migrant workers in July 2011 and the monitoring of the work of the recruitment agencies, the Committee reiterates its deep concern about the persistence of violence, abuse and exploitation experienced by women migrant workers in the host countries and at the hands of the recruitment agencies that facilitate their placement.

**44. Taking into account the its general recommendation No. 26 (2008), on women migrant workers, the Committee reiterates its previous recommendation (CEDAW/C/IDN/CO/5, para. 33) and urges the State party to:**

**(a) Take a coherent and comprehensive approach to addressing the root causes of women ' s migration, including through the creation of conditions necessary for sustainable development and of safe and protected jobs for women as a viable economic alternative to migration or unemployment;**

**(b) Continue developing bilateral agreements and memorandums of understanding with the countries to which Indonesian women migrate in search of work, while ensuring the security of women migrant workers and establishing mechanisms in the country of destination to deal with the violation of the rights of women migrant workers during employment;**

**(c) Provide assistance for migrant women who are seeking redress;**

**(d) Address issues relating to, inter alia, the severe risk of exploitation of unskilled migrant workers, the confiscation of their passports and their contracted debts with recruitment agencies;**

**(e) Strengthen the inspection of recruitment agencies and training centres with a view to monitoring human rights abuses; impose substantial penalties on companies that fail to respect the rights of the employees they recruit; and prosecute and punish persons engaged in illegal recruitment processes, including the traffickers of migrant women for forced labour and sexual exploitation.**

### **Women facing multiple forms of discriminations**

45. The Committee is deeply concerned about:

(a) The disadvantaged position of rural and indigenous women, which is characterized by poverty; their difficulties in accessing education and health and social services; and the existence of discrimination with respect to the ownership and inheritance of land;

(b) Cases of discrimination, violence and sexual intimidation specifically targeting women who belong to religious minorities, such as Ahmaddiyah, Christians, Buddhists and Baha ' is, as well as indigenous women; and cases of violation of the rights of indigenous women to access their land, water and natural resources;

(c) Reports of sexual abuse of women in police detention, the absence of provisions in the Criminal Procedure Code that provide protection to women in custody and the difficulties they face in lodging complaints about police misconduct.

**46. The Committee urges the State party to:**

**(a) Pay special attention to the needs of rural women to ensure that they have access to health, education, clean water, sanitation services and income-generating projects; and eliminate discrimination in women ' s ownership and inheritance of land;**

**(b) Implement effective measures to eliminate discrimination and violence, including sexual violence and intimidation, against women belonging to religious minorities, such as Ahmaddiyah, Christians, Buddhists and Baha ' is, and indigenous women; ensure their security and enhance their enjoyment of human rights and ensure access to land and natural resources for indigenous women, through all available means, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and general recommendation N o. 25 (2004), on temporary special measures;**

**(c) Improve the conditions of women in detention facilities in accordance with international standards to: (i) solve the problems of overcrowding in the prisons; (ii) guarantee separate accommodation for men and women inmates; (iii) ensure the provision of adequate health facilities and services, in particular for pregnant women; and (iv) ensure that women are able to file reports of misconduct against police officers, including with respect to sexual violence, intimidation or harassment, and that these are promptly, independently and impartially investigated and prosecuted and the perpetrators punished; and consider setting up an independent mechanism for receiving and dealing with complaints about the police from the public.**

### **Marriage and family relations**

47. The Committee is concerned about:

(a) The absence of an effective strategy with clear priorities and timelines to eliminate all discrimination against women in marriage and family relations;

(b) The delay in withdrawing discriminatory provisions from the Marriage Act of 1974, including provisions that: (i) authorize polygamy (arts. 4.1 and 4.2); (ii) set the legal age for marriage of girls at 16 and boys at 19 (art. 7); and (iii) establish that the man is the head of the household;

(c) The absence of protection for women having undertaken an interreligious marriage;

- (d) The discriminatory inheritance laws for sons and daughters according to which sons inherit twice;
- (e) The fact that Muslim women cannot marry and divorce under the civil law, as they are governed only by sharia law;
- (f) The adoption of laws in the province of Aceh that severely discriminate against women with respect to family relations;
- (g) The persistence of the practice of early marriage.

**48. The Committee recalls article 16 of the Convention as well as its general recommendation No. 21 (1994), on equality in marriage and family relations, and urges the State party to:**

- (a) Develop an effective strategy with clear priorities and timelines to eliminate all discrimination against women in the areas of marriage and family relations;
- (b) Review, within a clear time frame, the provisions of the Marriage Act of 1974 as well as all provisions relating to family life that are discriminatory against women, to bring them in line with the Convention and ensure that the legal provisions: (i) prohibit polygamy; (ii) set the minimum age of marriage for women and men at 18 years; (iii) exclude differences on the role of men and women in the household; (iv) provide protection to women undertaking interreligious marriage, (v) guarantee equal inheritance rights to women as daughters and as spouses; and (vi) include the option of availing civil marriages to all women;
- (c) Repeal, without delay, the discriminatory laws adopted in Aceh province that severely discriminate against women in family relations;
- (d) Undertake awareness-raising activities throughout the country on the negative effects of early marriage for girls, with a view to eliminating the practice.

### **Optional Protocol and amendment to article 20, paragraph 1, of the Convention**

49. While noting the oral statement of the delegation indicating that the preparations for ratification of the Optional Protocol to the Convention have started, the Committee encourages the State party to ratify the Optional Protocol as soon as possible and to accept the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

### **Dissemination**

50. The Committee requests the wide dissemination in Indonesia of the present concluding observations in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and the further steps that are required in that regard. The Committee recommends that dissemination should include dissemination at the local community level. The State party is encouraged to organize a series of meetings to discuss the progress achieved in the implementation of the present observations. The Committee requests the State party to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

### **Ratification of other treaties**

51. The Committee notes that the adherence of Indonesia to the nine major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages Indonesia to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.

### **Follow-up to concluding observations**

52. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 22 and 48 above.

### **Technical assistance**

53. The Committee recommends that the State party consider seeking cooperation and technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the above recommendations and the Convention as a whole. The Committee also calls upon the State party to strengthen further its cooperation with specialized agencies and programmes of the United Nations system, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Statistics Division, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Population Fund, the World Health Organization, and the Office of the United Nations High Commissioner for Human Rights.

### **Preparation of the next report**

54. The Committee requests the State party to ensure the participation of all ministries and public bodies in the preparation of its next periodic report and, at the same time, to consult a variety of women's and human rights

organizations.

**55. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention and invites the State party to submit its next periodic report in July 2016.**

**56. The Committee invites the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents that were approved at the fifth Inter-Committee Meeting of the human rights treaty bodies, in June 2006 (HRI/GEN/2/Rev.6, chap. I). The treaty-specific document should be limited to 40 pages, while the updated common core document should not exceed 80 pages.**