



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

# Second periodic report submitted by Indonesia under articles 16 and 17 of the Covenant, due in 2019<sup>\*,\*\*</sup>

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\* The present document is being issued without formal editing.

\*\* The annex to the present report may be accessed from the web page of the Committee.



## Executive Summary

1. Second Periodic Report on the Implementation of ICESCR is submitted to respond the recommendations put forward in the concluding observation by The Committee on Economic, Social and Cultural Rights in 2014, after the Initial National Report on the Implementation of ICESCR was presented. This report has been inclusively crafted with the support and contribution of various stakeholders at the local and national level. In an effort to strengthen the coordination among stakeholders, Indonesia has held series of meetings under the term “Jaring Masukan Daerah/Capturing Inputs from the Regions” (Jarmasda) to obtain feedback, input, and information related to the promotion and development of human rights all across the country.

2. This report portrays various progresses done by Indonesia in numerous sectors of recommendation. Among the sectors, notable progresses can be seen in the area of education, persons with disability, VAW, and child labor. A brief explanation is as follow:

- In order to expand the access of education, Indonesia launched the Smart Indonesia Program (PIP) in 2014 and 12-years Compulsory Education Movement in 2015 aiming to address the problem of school dropouts by helping children from poor/vulnerable to poor/priority families to complete secondary education;
- In regards to the persons with disability, Indonesia has adopted the general principles and obligations of the Convention on the Rights of Persons with Disabilities (CRPD) by enactment of Law No. 8/2016, which allows more appropriate condition and environment for persons with disabilities to fully participate in society;
- Significant progress has also been made in addressing the cases of VAW. As of 2019, GoI has established Local Units on the Protection of Women and Children (UPTD PPAs) in 25 provinces with the mandate of receiving community’s reports on cases of violence against women and children, reaching victims or survivors, accompanying the survivors, hosting survivors into safe house/crisis centers, mediating, and handling cases into courts;
- It is also necessary to highlight Indonesia’s progress in handling the child labor’s issue, with National Action Plan for the Elimination of the Worst Forms of Child Labor 2013 - 2022, Indonesia aims to be free from child workers by 2022. By 2017, Indonesia has reduced 98,956 of child workers and sent them back to school.

3. This report has not included the recent development of COVID-19 pandemic management in Indonesia as it has not been the main focus of the recommendations by the Committee. However, it is important to note that Indonesia is fully committed to handling COVID-19 pandemic by putting human rights principles at the center of the measures, in line with the essential message in the UN Secretary General’s Call to Action and “COVID-19 and Human Rights: We are All in This Together” Report.

4. Indonesia has been prioritizing the health and safety of all people while at the same time advancing the measures of economic recovery. Various protocols and incentives are launched to ensure the protection and fulfilment of the economic, social, and cultural rights of the people amidst the situation, including: social assistance for basic needs, direct cash assistance, electricity incentives, tax incentives, and pre-employment card program. In the health sector, Indonesia has consistently worked for the availability and accessibility of healthcare facilities, test kits, as well as vaccines by domestic coordination and enhancing international cooperation.

## Introduction

5. This report was drafted in accordance with the general guidelines of the Committee on Economic, Social and Cultural Rights regarding the form and content of periodic reports to be submitted by States parties (E/C.12/2008/2).

6. Indonesia has been and will continue to be committed to implementing the International Covenant on Economic, Social and Cultural Rights. To that end, GoI has

established a number of laws related to the respect, protection, fulfillment, and promotion of economic, social and cultural rights, among others: Law No. 6/2014 on Villages; Law No. 18/2014 on Mental Health; Law No. 36/2014 on Health Workers; Law No. 39/2014 on Plantation; Law No. 7/2016 on Protection and Empowerment of Fishermen, Fish Farmers and Salt Farmers; Law No. 8/2016 on Persons with Disabilities; Law No. 5/2017 on the Advancement of Culture; Law No. 18/2017 on the Protection of Indonesian Migrant Workers; Law No. 15/2019 on Amendments to Law No. 12/2011 on Legislation Making; Law No. 11/2019 on the National System of Science and Technology; Law No. 14/2019 on Social Workers; Law No. 16/2019 on Amendments to Law No. 1/1974 on Marriage; Law No. 17/2019 on Water Resources; Law No. 19/2019 on the Second Amendment to Law No. 30/2002 on the Corruption Eradication Commission; Law No. 22/2019 on Sustainable Agricultural Cultivation Systems; Law No. 24/2019 on Creative Economy; Law No. 3/2020 on Amendments to Law No. 4/2009 on Mineral and Coal Mining; and Law No. 11/2020 on Job Creation.

7. The 2015-2019 RPJMN has prioritized in advancing an effective, democratic, corruption-free and reliable government; improve the quality of life for all of Indonesian citizen and accelerating national development through development starting from the periphery (state border area). Meanwhile, the 2020-2024 RPJMN prioritizes in realizing an independent, advanced, just and prosperous Indonesian society by accelerating development in various fields with emphasis on the development of a strong economic structure based on competitive advantages in various regions supported by quality and competitiveness of human resources.

8. The agenda of national development 2015-2019 RPJMN were prepared as an operational description of the Nawa Cita.<sup>1</sup> Meanwhile, in the 2020-2024 RPJMN, the Second Nawa Cita<sup>2</sup> is translated into 5 strategies covering Human Resource Development, Infrastructure Development, Regulatory Simplification, Bureaucracy Simplification, and Economic Transformation.

### **Application of the Covenant and Access to Justice for Economic, Social and Cultural Rights**

9. GoI continues to raise awareness among law enforcement officials and all stakeholders regarding human rights in general and the International Covenant on Economic, Social and Cultural Rights in particular.

10. Some of the human rights materials have been taught at all levels of education with teaching methods adapted to the age of the students. Some of the human rights material itself has been included in the primary and secondary education curriculum explicitly in social studies, PPKN (Pancasila and Civic Education), and Religion in every Education Unit Level specifically in the 2006 curriculum and further strengthened by the 2013 curriculum. Human rights education is also given in extracurricular activities, school culture, and other subjects.

11. Some local governments have issued by-laws related to economic, social and cultural rights, such as: the implementation of maternal and child health, monitoring services for PMI, the protection of sustainable food agriculture, recognition and protection of Customary Law Community, and implementing smoke-free area.

<sup>1</sup> Nawa Cita, namely: (1) protection of Indonesian citizens; (2) good governance; (3) development of Indonesia's peripheries; (4) eradication of corruption; (5) improvement of the quality of life of the people; (6) improvement in productivity and global competitiveness; (7) economic independence; (8) mental revolution; (9) strengthening Indonesia's unity in diversity.

<sup>2</sup> Second Nawa Cita, namely: (1) improving the quality of Indonesian people, (2) productive, independent and competitive economic structure; (3) equitable and just development; (4) achieve sustainable living environment; (5) cultural progress that reflects the national personality; (6) enforcement of legal system that is free from corruption, dignified and reliable; (7) protection for the entire nation and sense of security for all citizens; (8) clean, effective and reliable government management; and (9) local government synergy within the framework of a unitary state.

## **Local Law and Regulations**

12. The GoI continues to make improvements in preventing and revoking discriminatory local laws and by-laws. In terms of preventive measures against discriminatory by-laws, GoI implements an executive preview in the form of facilitation and evaluation. The executive preview aims to provide written guidance for draft by-laws regarding content materials and drafting techniques before being enacted. In the facilitation process, the draft by-laws is also harmonized with human rights principles and values. If the draft is not appropriate, recommendation for the correction will be given.

13. Furthermore, in order to provide understanding to the legal drafters, the DGHR issued MoLHR Regulation No. 24/2017 on Guidelines for Human Rights Substance in the Formation of Legislation equipped with technical guidelines which aimed to provide guidance for harmonizing law-making with human rights principles and values, so that the by-laws will have a human rights perspective. These guidelines can also be used as a reference for local governments to establish by-laws. To that end, the DGHR carries out technical guidance to the Local Offices of the MoLHR and the Local Government.

14. Meanwhile, in an effort to supervise existing laws and regulations, a review mechanism is carried out through by-laws review process to ensure compliance with statutory regulations both at the national and local levels, and to ensure that human rights values and principles has been accommodated.

15. There are two methods of reviewing by-laws. The first method is a judicial review through the Supreme Court. The Supreme Court has the authority to review and revoke legislation from the level of Law to by-laws. The second method is executive review through the MoHA. The MoHA has the authority to review by-laws. The review is followed by recommendation for the local government to amend or revoke by-laws. Meanwhile, by-laws that are contrary to the national regulations can be revoked by the MoHA based on MoHA Regulation No. 120 of 2018 on the Formation of By-laws.

16. In the 2020-2024 RPJMN, one of the priority programs is the establishment of a national legislation center. This has been regulated in Law No. 15/2019 on Amendments to Law No. 12/2011 on Legislation Making. The national legislation center tasks will cover, namely: carry out planning, preparation, discussion, up to the enactment stage, as well as monitoring and reviewing of statutory regulations to ensure no overlapping and discriminatory legislations.

17. The DGHR of MoLHR conducted a discriminatory by-laws analysis based on reports from the NGO Setara Institute and the Komnas Perempuan. Of the 72 by-laws reported by the NGO Setara Institute, only 8 (eight) by-laws were declared intolerant based on the analysis results. This has been followed up by sending a letter to the relevant Governor as the representative of the Central Government, to provide guidance and supervision to the Regencies/Cities in their territory. Some of the by-laws have been revised and revoked.

## **National Human Rights Institutions (NHRIs)**

18. In Indonesia, NHRIs consist of the National Commission on Human Rights (Komnas HAM), Komnas Perempuan and the National Commission on Child Protection (KPAI), as well as the Ombudsman of the Republic of Indonesia (ORI) and the Witness and Victim Protection Agency (LPSK).

19. To strengthen the independence and effective function of NHRIs, GoI commits to continue the deliberation on the revision of Law No. 39/1999 on Human Rights. The revised draft is already included in the 2015-2019 national legislation programs. In 2015 MoNDP has also conducted in-depth study on three of Indonesia's NHRIs with the aim to explore ways to further strengthen NHRIs.

20. Indonesia fully supports the work of the existing NHRIs. They have served as one of the country's important partners, especially in monitoring the performances of the judicial, legislative and executive institutions.

## Corruption

21. Recognizing the irreparable harms of corruption on the respect for human rights, President Widodo prioritise on combating corruption. The GoI issued Presidential Regulation No. 54/2018 on the National Strategy on Corruption Prevention (Stranas PK). This regulation aims to strengthen the RPJMN with regards to Prevention and Eradication of Corruption which has been regulated in the Presidential Regulation No. 55/2012. This national strategy is focusing on corruption prevention in areas of licensing and governance, state budget, as well as law enforcement and bureaucratic reforms. Cognizant of the impacts of corruption, GoI will continuously take all possible measures to up root the crimes in every sector. In fact, based on its new Law No. 19/2019, the Corruption Eradication Commission (KPK) is part of the executive power but should perform its duties free from any undue influence. Since KPK establishment in 2003, KPK prosecuted many high-level officials and several corporations and has successfully brought to justice many corruptions perpetrators

22. This anti-corruption commitment can be demonstrated by the increase in Indonesia's Corruption Perception Index from 34 in 2014 to 38 in 2018, so that more state money can be consistently saved.

23. To overcome barriers in creating a healthy climate for ease of business and investment certainty, the Stranas PK has encouraged and oversees several corruptions preventions actions such as the Acceleration of Online Single Submission (OSS) program, Forest Area Designation and Implementation of One Map Policy, Single Identification to support Social Assistance. The action plan of these focused area consists of improvement in the licensing and investment services and compliance, improvement in data management and compliance in the extractive, forestry and plantation sectors, improvement in the use of Single Identity Number in the governance of social assistance and subsidies, and implementation of Anti-Bribery Management in the Government and Private Sector.

24. To improve the effectiveness of government spending and state revenue, the Stranas PK has several actions related to state finances such as: Electronic-based Planning and Budgeting System, Improvement in the Public Procurement System, and Improvement in Tax and Non-Tax Revenues.

25. Implementation of anti-corruption education carried out through the preparation of anti-corruption education module for primary, secondary, and tertiary education involving the Ministry of Education and Culture (MoEC), by inserting the topics into civic education and character-building subjects. In the education unit, there are 103.078 schools that implement Anti-Corruption Education (PAK).

26. In the higher education, PAK are implemented in curriculum/courses. Furthermore, the KPK cooperates with the Higher Education Service Institution and the Coordinator of the Islamic Diversity College to conduct capacity building workshop for lecturer that supports anti-corruption education with material elaborating on corruption, integrity and development of semester learning plans in the implementation of anti-corruption education.

27. In 2016, the KPK has compiled business integrity learning modules that were taught and disseminated to private parties, one of which is about the social impacts of corruption. This module is expected to provide understanding and awareness of the private sector regarding corruption and anti-corruption measures to enable them build business with integrity, as well as to reduce corruption in Indonesia in general and the private environment in particular.

28. Regarding education for political parties, the KPK has implemented two programs namely Smart Politics with Integrity and Elections with Integrity. The activities carried out include briefing regional heads in preparation for conducting elections with integrity, briefing the election organizer to carry out elections with integrity and educating the voters who will participate in the election process.

## **Non-discrimination**

29. The GoI remains committed in ensuring that all people in the territory of Indonesia obtain all economic, social and cultural rights without any discrimination, so as to achieve social justice for all. Therefore, GoI has determined that legislation must reflect the protection and respect for human rights as well as the dignity of every citizen and population of Indonesia. In addition, all laws and regulations uphold the principle of unity in diversity, equality before the law diversity and non-discriminatory.

30. legislations have to accommodate the principles and values of humanity as stated in Law No. 12/2011 which has been amended by Law No. 15/2019 Article 6 Paragraph (1) Letter b. This is also the basis to revoke laws through judicial review process in the Constitutional Court and Supreme Court.

31. GoI has implemented several specific policies to achieve equality. For example, the Beneficiary Dues (PBI) in the health sector. GoI ensures that people who have not obtained health insurance, can receive free health services by becoming PBI participants. For this reason, GoI has allocated a budget of IDR 19.9 Trillion for 86.4 million PBI participants in 2014. The budget and PBI participants are increasing every year so that in 2018, GoI has allocated IDR 25.49 Trillion for 92.4 million PBI participants.

32. In terms of fulfillment, restoration and compensation for survivors/victims whose rights have been violated, GoI provides a pathway for settlement of cases through court proceedings, either in the form of civil, criminal and state administrative.

33. Law No. 31/2014 regarding Witness and Victim Protection is the legal instrument governing protection of witness and/or victim. This includes compensation, confidentiality and change of identity if necessary. Furthermore the Law govern that a witness or a victim cannot be prosecuted legally, both criminal and civil, for his/her testimony unless the testimony was not provided in good faith. The Witness and Victims Protection Agency (LPSK) will also provide protection for justice collaborators and whistle-blowers.

## **Person with Disabilities**

34. GoI has taken many steps to promote and advocate the rights of persons with disabilities in all sectors. Nevertheless, noting that Indonesia consist of people from diverse cultural and educational background that may affect their views on disabilities some constraints remain, including stigma towards persons with disabilities. To change the collective mindset, campaign and advocacy strategies are needed to educate communities and families regarding the rights of persons with disabilities.

35. GoI has also campaigned for the elimination of stigma for person with mental health issues, through training and education for 9,000 health officers in 12 provinces with the highest number of mental health patients.

36. The general principles and obligations of the CRPD have been adopted by the Law No. 8/2016. All of the Convention's principles, non-discrimination, equality, accessibility, and inclusivity, were reiterated under Article 2, and further explained in other articles within Law No. 8/2016. State obligations under the CRPD are also incorporated under the aforementioned Law.

37. Law No. 8/2016 aims to transform Government approaches in realizing the rights of persons with disabilities, among others by: Accommodating broader aspect of political, civil, economic, social and cultural rights of persons with disabilities; Ensuring coordination and creating mechanism between national and local government in the implementation of the law; Facilitating better access for persons with disabilities to receive benefits and other relevant services, among others through the creation of a special and concession card, quota for employment of persons with disabilities, as well as decent accommodations and disability service unit for student with disabilities; Strengthening legal measures against actions that limit and deprive persons with disabilities of their rights; and Improving government engagement with Difiable Person Organization on matters such as policy making, budgeting, planning, and provision of reasonable accommodation.

38. In addition, as mandated by the Law, the GoI has also approved several derivative regulations from Law 8/2016, such as: MoSA Regulation No. 21/2017 on the Issuance of Cards for Persons with Disabilities, Government Regulation No. 13/2020 on Adequate Accommodation for Students with Disabilities, and Government Regulation No. 39/2020 on Adequate Accommodation for Persons with Disabilities in Judicial Processes.

39. In addition to physical accessibility, the GoI has also accommodated non-physical accessibility for Persons with Disabilities, among others, by Government Regulation No. 27/2019 on Facilitating Access to Works for Persons with Disabilities to read and use braille, audio books and other means as mandates of Law No. 28/2014 on Copyright.

40. Furthermore, persons with disabilities are received equal opportunity to education, health care services, and employment as enjoyed by other citizens. People who experience discrimination due to their disabilities have the rights for remedy against such discrimination.

41. MoEC Regulation No. 70/2009 on Inclusive Education for Students with Disabilities and Potential Intelligence and/or Special Talents, is enacted to create an inclusive environment for children and person with disabilities to participate in the world of education without discrimination.

42. To expand access of persons with disabilities to education, Indonesia is working to establish inclusive education in all educational level, from preschool to higher education, including Vocational Schools. In 2016, there are a total 9.130 inclusive schools at elementary to senior high level and 2.186 Special Needs School across Indonesia. In 2019, there are 29,315 inclusive schools from elementary to senior schools, and 2,241 Special Needs Schools in Indonesia. The GoI emphasized that all children with disabilities should be enrolled in schools.<sup>3</sup>

### **Economic, Social and Cultural Rights in Remote Areas**

43. Promoting better awareness and ownership of the community, government officials, and all stakeholders about human rights is a sustained effort. This applies, among others, through the 2015-2019 RPJMN, which prioritizes the development agenda including: (1) advancing an effective, democratic, corruption-free and reliable government; (2) improving the quality of life of all Indonesian people; and (3) accelerating national development through the development of rural areas.

44. In order to implement the program to develop Indonesia from the borders by strengthening regions and villages within the framework of a unitary state, the GoI has a special unit to handle the acceleration of quality public services in remote areas through the Ministry of Village Development of Disadvantaged Areas, and Transmigration (MoVDDAT). Furthermore, for the acceleration of villages in Indonesia, the MoVDDAT has established a Call Center for consultations and accommodating complaints from villages regarding village funds. Every day, the MoVDDAT “Sapa Desa” (Greet Desa) Team directly talk to the villagers to find out the progress of village funds utilization, monitoring village cash-intensive programs, handling of COVID-19, and management of Village Owned Enterprises (BUMDes).

45. Through Government Regulation No. 78/2014 on the Acceleration of Development of Disadvantaged Regions every 5 years GoI designate disadvantaged areas nationally based on predetermined criterias, including the community's economy, human resources, facilities and infrastructure, local financial capacity, accessibility and local characteristics. In 2015-2019, GoI has designated 122 disadvantaged<sup>4</sup> areas, subsequently, in 2020-2024 the disadvantaged areas decreased to 62 regencies/cities.<sup>5</sup>

46. GoI uses Village Developing Index to conduct online mapping of villages across Indonesia to discover in detail the potentials, weaknesses, and strengths of each village. In 2018, GoI successfully alleviate 6,518 disadvantaged villages into developed villages from

<sup>3</sup> Government Regulation No. 13/2020 on Adequate Accommodation for Students with Disabilities.

<sup>4</sup> Presidential Regulation No. 131 of 2015 on Determination of Disadvantaged Regions 2015-2019.

<sup>5</sup> Presidential Regulation No. 63 of 2020 on Determination of Disadvantaged Regions 2020-2024.

the target of 5,000 in 2019 and increase 2,665 independent villages from the target of 2,000 in 2019. The 2020-2024 RPJMN aims to promote 10,000 disadvantaged villages into developing villages and 5,000 developing villages into independent villages for the next five years.

47. Fulfillment of basic rights and social welfare for people living in underdeveloped, remote and outermost areas has been the highest agenda of "Building Indonesia from the Borders". For example, the implementation of "one village, one innovation" program which aims to empower villages including as the main actors in poverty alleviation. With the enactment of Law No. 6/2014 on Villages, in 2015, 434 villages have received the first disbursement of fund. GoI has budgeted IDR 72 Trillion for village funds in 2021 as a step to improve village's economy.

48. GoI has issued the MoVDDAT Regulation No. 13/2020 on Priority Use of Village Funds in 2021 where villages in accordance with their authority can use village funds to create Village without Poverty and Hunger, Village with Equitable Economic Growth, Village Cares About Health, Village Cares About Environment, Village Cares About Education, Female Friendly Village, Networked Villages, and Culturally Responsive Villages to accelerate the achievement of the SDGs. Starting in 2021, Village SDGs will be implemented in all 74,953 villages. The priority use of village funds in 2021 includes the development of Inclusive Village which ensures all villagers receive equal treatment regardless of social status, gender, age, disability, ethnicity, and other exclusivity.

49. In accelerating the fulfillment of the right to health in remote areas, GoI established the Nusantara Sehat (NS) program to give special assignments to health workers in accordance with their competence as regulated in MoH Regulation No. 33/2018. The target of the NS program in 2020 is 2,600 people of national locus, that consist of 600 NS Team and 2,000 NS Individual. While on the Papua-West Papua Locus, it consists of 100 people, with details of NS Team as many as 48 people and NS individual as many as 52 people.

50. In Presidential Regulation No. 31/2019 on the Utilization of Specialist Doctors, MoH ensure the availability of specialist doctors in remote areas, by establishes policies and formulates plan for the necessity and distribution of specialist doctors, nationally and periodically.

51. In the field of education, there is MoEC Regulation No. 23/2020 on Guidelines for Establishing Special Regions in Implementing National Education Policy and MoEC Regulation No. 24/2020 on Technical Guidelines for School Operational Assistance (BOS) Affirmation and School Operational Assistance (BOS) Performance. BOS Affirmation Funds and BOS Performance Funds aim to assist the implementation of learning activities that have not been fulfilled by the Regular BOS Fund in Special Regions, including remote and underdeveloped areas, as well as remote areas of MHA.

52. In the 2020-2024 RPJMN, in order to reduce gap between regions GoI develops regions by transformation and acceleration of regional development in Eastern Indonesia. To that end, GoI will strengthen the development policies and implement affirmative action to accelerate the development of disadvantaged areas, borders, outermost and frontier small islands, as well as transmigration areas. Until the end of 2019, GoI has succeeded in developing 62 out of 122 Disadvantaged Areas. Out of 60 Disadvantaged Regions that still exist, GoI targets 25 regencies to be developed and removed from the list of disadvantaged regions by 2024. GoI will also set the development of 52 Transmigration Areas as National Priorities by 2024 with target divided into 12 developing stage areas, 33 independent stage areas, and 7 competitive stage areas.

53. In an effort reduce disparities and ensure equality, local development is directed by dividing into 7 regions, namely Java-Bali, Sumatra, Kalimantan, Sulawesi, Nusa Tenggara, Maluku and Papua. The objective is to maintain the growth momentum of Java-Bali and Sumatra regions, while at the same time improve the performance of regional growth centers in Kalimantan, Sulawesi, Nusa Tenggara, Maluku, and Papua.

54. GoI is committed to close the disparity gaps across regions by accelerating the development in Eastern Indonesia, including Papua and West Papua, through RPJMN 2020 – 2024. The Development Plan gives special attention to the expansion of basic services such



as education and health, housing facilities, and infrastructure, clean water and sanitation, as well as electricity. It also focuses on the connectivity through the development of transportation and ICT infrastructure.

55. An action plan to accelerate development in Papua and West Papua based on adat territories was carried out by refocusing education, health services, local economic development and connectivity to central mountainous areas and other isolated areas according to the contextual conditions of Papua. In the 5 years of the President's administration, Human Development Index (HDI) in Papua increased from 57 in 2014 to 60 in 2018, while in West Papua it increased from 61 in 2014 to 64 in 2018. Improving the Human Resources of the villages in Papua and West Papua was also carried out by establishing a Jayapura Community Training Center by providing management training for BUMDes (Village Business Institutions) managers.

56. The GoI has established the Secondary Education Affirmation Program (Program Afirmasi Pendidikan Menengah/ADEM) to provide special education service for Junior High School Students who come from underdeveloped, remote and outermost areas, especially for children in Papua. This scholarship helps the children in Papua to get cross-province scholarships.

57. In improving the access toward vocational training programs, the GoI has built 213 new school buildings, in which 43 vocational schools have been built in Papua as well as other underdeveloped, remote and outermost areas.

58. The MoCSMEs has conducted Entrepreneurship training and Financial Literacy Training in various regions nationwide from 2015 to 2019. Specifically for the West Papua region, 315 male entrepreneurs and 215 women participated in the training. Meanwhile, in the Papua region 24 female entrepreneurs and 11 male entrepreneurs participating.

59. In regards to the empowerment of women in Papua, the provincial government of Papua and West Papua have established markets for Papuan women 'Pasar Mama' to increase access of Papuan women to market and economic facilities and services. 'Pasar Mama' has been developed in Jayapura and Manokwari.

60. In 2019, the MoWECF has also carried out a capacity building program aimed to raise the awareness regarding the importance of women representation in parliament and executives. In Papua and West Papua, women legislative candidates and elected women legislative members are trained to improve their understanding, knowledge, and skills about practical politics, campaign strategies, and leadership development.

61. In the context of good governance, GoI has established an integrated online reporting mechanism called <https://www.lapor.go.id> for submitting complaints regarding public services. This platform aims to improve the quality of public services by providing access to community participation. The platform is coordinated by the Executive Office of the President, Indonesian Ombudsman, and Ministry of State Apparatus Empowerment and Bureaucratic Reform, with network spreads across 34 Ministries, 98 Institutions, 384 Regency, 89 City, and 34 Provinces.

## **Multiple Discrimination**

62. GoI has a strong commitment to eliminate and prevent discrimination against all people. With this commitment, GoI has implemented several policies aimed at minimizing discriminatory treatment felt by several groups of society.

63. First, "penghayat kepercayaan" (native-faith followers) can now have their beliefs officially cited in the national identity register, which previously can only cite the six major religions. GoI has provided space for groups of In addition, GoI has also facilitated the registration of marriages for native-faith followers.

64. Second, GoI has scheduled the improvement of demographic information to provide maximum basic services to the community. For this, through MoHA Regulation No. 7/2019 on Online Population Administration Services, GoI strives to provide administration services that can be accessed through website and mobile applications. Furthermore, MoHA made

available population document printing machine called “Anjungan Dukcapil Mandiri” (Independent Demographic and Civil Registration Platform) to enable individual to print e-KTP (National Identity Card), KIA (Child Identity Card), birth certificate, family card, or death certificate by themselves quickly, easily and for free. Until April 2020, GoI has successfully increasing the provision of birth certificates by 91.54% from only 31,25% in 2014.

65. Third, GoI has carried out pro-active data collection on vulnerable people related to demographic administration, which include victims of natural disasters, victims of social disasters, displaced people, and remote communities. By carrying out the “take the initiative” (pro-active) service, GoI has recorded 98.78% of the total population as regulated in MoHA Regulation No. 96/2019 on Data Collection and Issuance of Population Documents for Population Administration Vulnerable Populations. For those affected by natural disasters, GoI collects data and replaces lost/damaged documents by providing simplified requirements, fast, and free.

66. Furthermore, GoI established the National Disaster Management Agency (BNPB) to coordinate disaster management and countermeasures. In collaboration with the local government, BNPB coordinates the implementation of disaster management activities in a planned, integrated and comprehensive manner by protecting and empowering disaster refugees, including rescue and evacuation; provision of health and psychosocial services; priority protection for vulnerable groups; and gender mainstreaming.<sup>6</sup>

67. In MoH Regulation No. 64/2013 on Health Crisis Management, fulfilling mental health needs in health crisis situations has been regulated both as emergency response and in post-crisis situations.

68. GoI has facilitated the acquisition of identity documents for persons of Indonesian descents/PIDs community in Mindanao, the Philippines. The results of data collection by the joint Indonesia-Philippines team showed that the highest number of PIDs was in the Sarangani province. Of the total 8,745 PIDs that have been recorded, 2,425 people have been declared as Indonesian citizens through the issuance of an Indonesian Citizenship Confirmation Letter (SPKI).

## Gender Wage Gap

69. Since 2012, Indonesia’s Gender Development Index (GDI) has increased from 90.07 to 90.99 in 2018, while Gender Empowerment Index (GEI) has risen from 70.07 to 72.10 in 2018.

70. In addition, Indonesia’s commitment towards women empowerment is further translated in the 2015-2019 RPJMN, which focused on 3 strategic objectives: (i) Promoting the quality and role of women in development; (ii) Increasing the protection of women against violence, including trafficking in persons (TIPs); and (iii) Strengthening institutional capacity on gender mainstreaming as well as protecting women against all forms of violence.

71. Furthermore, Indonesia’s priority on women empowerment is also reflected, among others, through President Joko Widodo’s Nawa Cita which contains 9 government priorities for 2015-2019. Nawa Cita specifically mentions commitment for women and girls, namely “to promote the role and representation of women in politics” and “development and protection of women, children and other marginalized groups”.

72. Under President Widodo’s administration, the promotion of gender equality and women empowerment is a cross-cutting issue that requires the full participation of all sectors and all element of society, including men. President Widodo’s has agreed to be one of the HeforShe IMPACT Champion Initiative and puts forward three agendas: improving women representation; reducing maternal mortality; and ending VAW.

<sup>6</sup> Article No. 14 of the BNPB Regulation No. 03 of 2018 on Handling of Refugees in Disaster Emergencies.

73. To promote women's access to high level positions in public and private sectors, Indonesia takes various actions, such as enhancing women's meaningful participation in politics and decision making, implementing mandatory gender mainstreaming curricula in all compulsory trainings and education at all levels, and issuing Guidelines on Prevention of Sexual Violence at the Workplace, which is a set of recommendations for the protection of women against sexual violence and settlement process for victims and perpetrators.

74. The attainment of gender equality and women empowerment in all sectors, including economy, development, employment, and labor force, has become a national objective in Indonesia's domestic and foreign policy. Indonesia has ratified the core international human rights instruments that protect the rights of women, including those related to employment.

75. Indonesia has also enacted national legal instruments to support women's participation in the labor force by guaranteeing equal remuneration, facilitating work-life balance and maternal care, and requiring the provision of breastfeeding rooms and maternal leave. Such laws among others include: MoWECR Regulation No. 5/2015 on Facilitating Child Friendly and Gender Responsive Working Environment.

76. Women make a valuable contribution, including in the labor force, as shown by the following facts and figures, according to data from the Central Statistics Agency (BPS): in 2018, the participation rate of women in the workforce was 51.88% in August 2018, an increase of 0.99% point from 2017. While the average wage of women workers was recorded at Rp 2,4 million per month in August 2018. The number of working women is 47,95 million. Of the total 47.95 million women employed, most worked in agriculture, forestry and fisheries (26.62%), trade (23.71%), and manufacturing industries (7.1%).

77. GoI has provided wider access to finance for women entrepreneurs through various financial capital sources such as government-subsidized micro loans/Kredit Usaha Rakyat (KUR), revolving fund management institution (LPDB), community saving and loan groups or cooperatives, and micro finance institutions. Through the National Program for Community Empowerment, GoI also made available saving and loan program for women to access credit. This program has been conducted in almost all regencies in 33 Provinces. Furthermore, Village SDGs strengthens the Female Friendly Village program which includes the elimination of wage discrimination against women in the village. Moreover, under the 2020 – 2024 RPJMN, increasing women's empowerment in entrepreneurship is one of five (5) priority issues that are the focus of Women Empowerment and Child Protection development.

78. In implementing the ILO Convention No. 100 on Equal Remuneration, GoI has implemented the policy of requiring employers to prepare a structure and scale of wages by taking into account the ability of companies and productivity as regulated in Law No. 13/2003 on Employment with Law No. 11/2020 on Job Creation.

79. Arrangement of structure and scale of wages in companies are regulated in the MoM Regulation No. 1/2017 on Wage Structure and Scale aiming at that the wages received by workers/laborers are in accordance with the value/weight of their work so as to prevent discrimination from various aspects, including discrimination on the basis of sex. The Regulation provides sanctions for companies that do not apply the structure and scale of wages based on the MoM regulation.

80. In an effort to encourage the implementation of the wages structure and scale in companies, GoI intensively carries out coaching programs, including: Technical Guidance on the Compilation of Wage Structures and Scales for HRD division in companies and Government Officials, as well as Dissemination of Legislations on Wages.

## **Employment in the Formal Sector**

81. GoI is committed to continue improving labor conditions in Indonesia. This is shown by the passing of Law No. 11/2020 on Job Creation. In this law, several articles in the Manpower Law have been revised, including the minimum wage, job loss guarantees, and compensation.

82. The Law aims to create more jobs and increase entrepreneurship while at the same time elevate the working condition of the workers. The Law streamlines multiple regulations in central and local government to improve the ease of doing business in Indonesia, simplifies and digitalizes the licensing process to prevent corruption, and strengthens the protection of the rights of the workers through enhanced social security measures.

83. Through Law No. 11/2020 on Job Creation the GoI is committed to protect the workers by preventing unilateral layoff. This Law regulates that companies are prohibited to terminate their employment unilaterally, thus, mutual agreement between the company and the worker should be achieved in the case of layoff.

84. The integration of Environmental Permits as part of Business Licensing in the Law No. 11/2020 on Job Creation aims to better protect the environment. Prior to this integration, violations toward environmental rights may risk the corporations to lose only their Environmental Permits but not the Business Licensing in its entirety. This Law therefore strengthens the law enforcement through the possibility of suspension of the Business Licensing in case of environmental violations.

85. The Law no. 11/2020 on Job Creation emphasizes the protection of communities by prioritizing restorative justice. In the forestry sector, the Law also stipulates that in the case of environmental violations committed by individuals or communities living around the forest area, the sanction is in the form of administrative sanction and not criminal sanction.

86. In order to improve the welfare of workers/laborers and their families that encourage advancement of business and work productivity, provisions regarding proper income regulation, wage policies, wage protection, and determination of minimum wages, are regulated in Government Regulation No. 78/2015 on Wages which are directed at the overall wage system. This Government Regulation regulates wages which can ensure proper survival for workers/laborers and their families in accordance with the development and capabilities of the business.

87. To ensure workers/laborers to earn decent income for humanity, GoI also issued the MoM Regulation No. 15/2018 on Minimum Wages. The regulation stipulates minimum wage as a safety net so that the wage receive by workers do not fall to the lowest level but also take into account the ability of micro and small companies to pay the wages. The minimum wage only applies to workers/laborers who have a working period of less than 1 (one) year. Workers who have worked for more than 1 (one) year are required to prepare a wage structure and scale.

88. In 2019, there were 1,574 labor inspectors who were only able to supervise around 41% of the total number of companies. Nonetheless, GoI continues to encourage the improvement of the quality of labor inspectors determined through the Minimum Standards of Services (MSS) of Employment. In addition, GoI also provides space for workers to submit complaints directly when there is a dispute with employers through Law No. 2/2004 on the Settlement of Industrial Relations Disputes. These disputes can be resolved through bipartite and tripartite negotiations (mediation, conciliation, and arbitration). If there is no agreement can be reached, then a lawsuit can be filed at the Industrial Relations Court (PHI).

### **Conditions of Work in the Informal Economy**

89. GoI has made various efforts to overcome regulatory and bureaucracy obstacles in the creation of new companies. This is executed by providing simple service delivery through the availability of an online registration mechanism so that it can be accessed anywhere and anytime, as well as providing integrated services in public service malls.

90. GoI issued of several laws and regulations that regulate workers in the informal sector. One of them is the Law No. 7/2016 on the Protection and Empowerment of Fishermen, Fish Raisers and Salt Farmers which provides legal protection for small fishermen, fisheries small and medium enterprises and small-scale cultivators.

91. As an implementation of the commitment to apply human rights principles to business activities in fisheries, GoI provides access to labor protection services for fishermen. Some of the programs include:

(a) Provision of workers social security for ship owners. For example, in collaboration with the Regional Bitung “Ocean Fishing Port” (PPS), the number of crew members who have been insured at PPS Bitung has reached 9,860 people. Based on data as of 16 August 2019, the number of boat crews who have been insured (independently by the ship owner as the employer) throughout Indonesia has reached 72,840 people in 31 fishing ports. The implementation of this law includes MoMAF providing a life insurance program for fishermen and fish cultivator insurance in the event of a crop failure;

(b) Application of Sea Work Agreement (PKL) as a requirement for issuing Sailing Approval Letter (SPB). The implementation of PKL has reached 22,351 people in 14 fishing ports. Street vendors and insurance for fishing boat crews are concrete forms of protection for workers on fishing vessels in an effort to implement human rights principles in capture fisheries business/activities;

(c) Increasing the competence of fisheries crews through Fishing Equipment Expert Certification (AAPI) and Fish Handling Skills Certification (SKPI). AAPI certification is a competency that must be possessed by crew/fishermen to be able to operate environmentally friendly fishing gear properly and effectively according to FAO rules. Meanwhile, SKPI is a competency that must be possessed by the crew/fishermen to be able to handle, process, store and refrigerate fish in accordance with food safety principles. Data per August 16, 2019, records that 11,187 fishing boat crews have been certified, consisting of 3,060 AAPI and 8,127 SKPIs;

(d) MoMAF also conducts Fisheries Human Rights Socialization in collaboration with IOM to increase awareness of human rights and the danger of Trafficking in Persons (TIPs) in the fisheries sector in the framework of implementing the Fisheries Human Rights system in Makassar. As part of upcoming activities, collaboration with various government agencies, educational institutions and the private sector will continue to be improved so that the implementation of fisheries human rights can be optimal.

92. In Government Regulation No. 44/2015, GoI obliges every person who works to participate in the Work Accident Security Scheme. Currently, several business partnerships, professionals and workers in the profit-sharing system have participated in the Work Accident Insurance.

93. GoI disseminates the implementation of social security to expand social security membership to workers in various informal sectors through groups, cooperatives, associations and NGOs. Furthermore, several FGDs were carried out by inviting SME, smallholder and retail business coaches. As of January 2019, 2,400,000 people have participated in the labor social security program for workers who do not receive wages.

94. GoI will also expand the scope of labor-related regulations to include regulations related to workers in the informal sector in the revision of Manpower Law. In the 2020-2024 RPJMN, GoI has targeted 20 million workers who will receive social security contribution assistance. In addition, Village SDGs has a target to reduce informal sector workers in villages to below 50%.

## **Domestic Workers**

95. To strengthen the normative frameworks for better protection to those who work in the domestic sector in Indonesia, a bill on domestic workers is currently discussed in the Parliament. The issues that have come to the attention of the Committee have been taken into consideration in the drafting of the bill. In the meantime, MoM has issued Regulation No. 2/2015 on the Protection of Domestic Workers to set precondition to the adoption of the bill.

96. The stipulation of the MoM Regulation is an effort to protect domestic workers or domestic helpers (PRT), through the fulfillment of domestic workers' rights, namely wages, leave, worship time, social security and humane treatment, and obtaining rights according to

agreements with service users. In addition, neighborhood association or the community is encouraged to also carry out supervision, to ensure workplace safety.

## **Indonesian Migrant Workers**

97. Indonesia has worked to strengthen national legislation and institutional capacity and improve inter-agency coordination and policy implementation. In Law No. 18/2017 on the Protection of Indonesian Migrant Workers (PIMW), the role to protect PMI is delegated to the government, both central and regional, starting from before work, during work, and after work. The protection of Prospective PMI (CPMI) and PMI aims to: a. guarantee the fulfillment and enforcement of human rights as citizens and PMI; and b. guarantee legal, economic and social protection for PMI and their families. In addition, MoFA Regulation No. 5/2018 on Protection of Indonesian Citizens abroad is used as a framework of protection for Indonesian citizens abroad, including PMI both in the formal and informal sectors.

98. In the PIMW Law, Indonesian Migrant Worker Placement Companies (P3MI) are only given the role of executing PMI placements by looking for job opportunities, placing CPMI, and solving problems for the PMI they are assigned to. Meanwhile, job training, which previously was the responsibility of the P3MI, is carried out by a government-owned or private job training institution accredited to CPMI. GoI strictly and regularly supervises the activities of around 329 P3MI registered across Indonesia and takes firm action against those who violate the rules.

99. Furthermore, based on PIMW Law, protection is carried out by not taking over criminal and/or civil responsibility, and is carried out under the provisions of laws and regulations, the laws of the country of destination for placement, as well as international law and customs. Thus, P3MI has absolute responsibility to handle PMI problems that are dispatched to work abroad.

100. In terms of financing, PMI are not allowed to be burdened with placement fees. Furthermore, based on PMI Protection Agency Regulation No. 9/2020 on PMI Placement Fee Waiver, some sectors of work are given a placement fee exemption, namely: housekeepers, babysitters, elderly caregivers, cooks, family drivers, garden nurses, child caregivers, cleaners, field or plantation workers, and migrant fishing boat crews.

101. To further protect Indonesians abroad, including migrant workers, GoI's efforts also include: establishing a Community Service Unit (CSU) in 24 Indonesian embassies; provided legal assistance for more than 27,000 (during 2012-2016) PMI; signed 13 bilateral agreements related to the protection and placement of migrant workers; imposing a moratorium on sending domestic workers to 21 countries; and launched the MoFA mobile application "Safe Travel".

102. As a response to the many problems that befell PMI who works for individual users in the Middle East Region, including domestic workers abroad, GoI has issued the MoM Decree No. 260/2015 on the Termination and Prohibition of Placement of PMI to Individual Users in Middle Eastern Countries. The regulation prohibits the placing of PMI, especially domestic workers, into 19 countries. In addition to the placement moratorium, GoI has also established several collaborations related to protecting PMI from exploitation.

103. At the national level, on 23 August 2016, MoFA together with six Ministries/Agencies, namely MoWECP, MoLHR, MoSA, Indonesian National Police, Attorney General, and National Agency Placement and Protection of Indonesian Workers (BNP2TKI) have agreed to increase the effectiveness of cooperation and coordination in the context of eradicating Trafficking in Persons (TIPs) which involves Indonesian citizens abroad as victims. This commitment was expressed through the signing of a "Memorandum of Understanding on Prevention and Treatment of Indicated Indonesian Citizens or Victims of TIPs abroad."

104. Bilaterally, GoI has undertaken several PMI protection collaborations with several destination countries. Among others, firstly, in 2015, GoI and Government of Uni Emirate Arab agreed on the MoU in the field of Treatment and Protection of TIPs Victims. As a

follow-up to the MOU, on 30 October 2019, a 2nd Joint Committee Meeting was held between Indonesia and United Arab Emirates.

105. At the regional level, GoI is one of the initiators of ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP). ACTIP seeks to realize a comprehensive approach to eradicating TIPs through the 4P concept, namely: Protection, Prevention, Prosecution, and Partnership through cooperation among ASEAN MemberStates. The main elements contained therein, namely: (1) Prevention and eradication of TIPs, and (2) Protection and assistance to victims of TIPs, with full respect for human rights.

106. To provide support to victims of exploitation and abuse and reintegration of those who have returned, the GoI is following up on the MoU of 7 Ministries/Agencies by having drafted a screening form for the identification of victims abroad as a reference for handling victims and cases of TIPs. This screening form is expected to facilitate the identification process of victims and contribute to service provision, including reintegration at a later date.

107. Repatriation back to Indonesia is a form of protection. Repatriation is carried out to prevent Indonesian citizens from problems arising from their immigration status. Accumulatively, in the last four years (2015-2018), the MoFA has repatriated 181.942 people.

108. Indonesia is further committed to creating more opportunities for better and more sustainable jobs in Indonesia, including for migrant workers and their returning families. Entrepreneurship programs and financial schemes have been introduced and the support from the private sector and national banks have been mobilized.

109. Since 2016, Indonesia has launched the "Migrant Productive Village" program. This program has been implemented in 2 villages in 2016, 120 villages in 2017, and 130 in 2018, bringing the total to 252 villages. In terms of location, in 2018, the locations are spread across 10 provinces, 65 regencies, and 130 villages. Meanwhile, in 2019, there were 150 locations spread across 11 Provinces, 75 Regencies.

110. This program is GoI's effort to provide financial and entrepreneurial education to Indonesian workers and their families to create new jobs in the country so that PMI does not need to return to work abroad. GoI through the PMI Protection Agency (BP2MI) has provided capacity building training for 14,498 returning migrant workers. Currently 6,047 returning migrant workers have been empowered to start their businesses in their hometowns.

111. The commitment of the GoI to protect the rights of fishing boat crews (Anak Buah Kapal/ABK) is also reflected in the PIMW Law, in which fishing boat crews are listed as part of Indonesian Migrant Workers that their rights and well being also guaranteed.

112. In addition to the PIMW Law, the GoI is currently in the process of harmonizing the Draft Government Regulation on the Protection of Fishing Boat Crews. The Draft Regulation is developed with reference to relevant international instruments such as ILO Maritime Labor Convention and ILO 188 Convention on the Work in Fishing, as well as other related national laws.

113. The GoI is also in the process of finalizing the National Action Plan on the Protection of Seafarer and Fish Boat Crews 2021 – 2024 (RAN-PAKP 2021 – 2024) that aims to ensure the fulfillment of the rights, enhance the protection, and improve the condition of Indonesian seafarers and fish boat crews.

114. In regards to the adoption of ILO 188 Convention on Work in Fishing, the GoI has established the National Team on the Protection of Seafarer and Fish Boat Crews in 2019 and the Team is currently undergoing preparation in the form of coordination meetings to assess and prepare modalities for ratification.

## **Right to Freedom of Association for Civil Servants**

115. GoI has guaranteed the rights of civil servants. One of them is the right to freedom of association for civil servants which has been realized through the formation of the Indonesian Civil Service Corps (KORPRI) since 1971.

116. Based on Government Regulation No. 53/2010, the right to organize is still recognized in addition to political organizations. The Civil Servants are also provided the complaint mechanism that can be done through the personnel bureau units.

## **Trade Union Activities**

117. GoI is committed to protecting trade union rights as regulated in Law No. 21/2000, one of which guarantees protection that any intimidation of any kind to a labor union is a form of crime. Apart from that, GoI periodically conducts social dialogue between workers/laborers and trade/labor unions to find win-win solutions for every problem. GoI emphasized the need to rebuild trust between all parties to avoid possible future incidents.

118. GoI emphasizes that the manifestation of freedom of expression, in the form of public demonstrations, is regulated by Law No. 9/1998 on Freedom of Expression in Public and is further elaborated in the National Police Regulation in 2008, while the right of workers to hold strikes is regulated by Law No. 13/2003 on Manpower and the relevant regulations of the MoM.

119. These laws and regulations were adopted with the aim of striking a balance between freedom of expression and the responsibility to respect public order and security. Laws and regulations have been disseminated on an ongoing basis among tripartite stakeholders.

120. GoI, through the MoM, continues to make efforts to settle industrial relations through various processes, including mediation.

121. GoI has disseminated the National Police Regulation No. 1/2005 on Guidelines for Actions by National Police on Law-and-Order Enforcement in Industrial Relations Disputes, in several locations (Surabaya, Mataram, Denpasar, Batam, Yogyakarta and Manado) throughout 2016-2017 to union's workers, employers' organizations and local government.

122. GoI is committed to continuously improving the performance of the National Police by being neutral and working based on regulated SOPs. The National Police will follow up any reports that have been formally submitted (written complaint) have not been responded to, by asking GoI to ensure that all complaints are fully addressed and that such requests allow full clarification of facts, responsibility determined, punishment of those responsible, and provision of appropriate compensation for losses suffered so as to prevent the incident from recurring.

## **Social Security**

123. GoI already has a social security scheme that covers all Indonesian people as regulated in Law No. 40/2004 on the Social Security System, which is further regulated in Law No. 24/2011 on the Social Security Administrative Body (BPJS). GoI implements an integrated Social Security program in the National Health Insurance (JKN) organized by BPJS Kesehatan (Health). JKN started since 1 January 2014. Meanwhile, the Employment Social Security (Jamsostek) has been organized by BPJS Ketenagakerjaan since 1 July 2015 with 4 programs including the Death Security (JKM), Work Accident Security (JKK), Old Age Security (JHT), and Pension Security (JP).

124. In line with the global commitment as mandated by the 58th WHO resolution 2005 in Geneva, Indonesia has also developed Universal Health Coverage (UHC) for all residents through the JKN. JKN provides health protection in the form of health care benefits, both prevention and treatment services, in order to meet the basic health needs. It is provided to everyone who has paid dues or whose contributions have been paid by GoI. Meanwhile, Health Insurance Contribution Recipients (PBI) participants are the poor and disadvantaged



people whose participation will be verified and validated regularly to be the subject under the MoSA Regulation No. 5/2016 on the Implementation of Government Regulation No. 76/2015 on Amendments to Government Regulation No. 101/2012 on Recipients of Health Insurance Contribution Assistance.

125. Since 2014, the JKN-KIS program's membership continues to increase from 133.4 million to 224.1 million in 2019 with the largest proportion of participation coming from the PBI of the National Budget segment by 43%. Meanwhile, non-PBI participants also continue to increase annually, reaching 132% from the 2014 figures.

126. Jamsostek also provides membership services for workers in the formal sector (wage recipients), workers in the informal sector (non-wage earners, construction services and migrant workers). In the RPJMN 2020-2024, GoI seeks to increase participation in the target groups of workers in the informal sector, these include fishermen, domestic workers and home industrial workers. In October 2020, total participation of formal sector workers was 39,929,641 people (an average increase of 1.40% from 2016–2020) and informal sector workers as many as 2,685,985 people (240% average increase in 2016-2020).

127. Apart from the JKN-KIS and Jamsostek, GoI also conducts Family Hope Program (PKH). PKH is a program providing conditional social assistance to Poor Families (KM) that has been designated as PKH beneficiary families, which has been held since 2007. KM is encouraged to have access to and take advantage of basic social services for health, education, food and nutrition, care, and assistance, including access to various other social protection programs, which are complementary programs on an ongoing basis.

128. PKH is directed to become the epicenter and center of excellence for poverty reduction, that synergizes various national social protection and empowerment programs. PKH benefits include pregnant women, children, person with disabilities and the elderly by maintaining the level of social welfare under the mandate of the constitution and Nawacita.

129. PKH implementation in 2016 amounted to 6 million Beneficiary Families (KPM) with budget of IDR 10 Trillion. The number of PKH recipients in 2017 was 6.228.810 KPM with budget of IDR 11,5 Trillion. The number of PKH recipients in 2018 was 10.000.232 KPM with budget allocation of IDR 17,5 Trillion. The target of PKH recipients in 2019 is 10 million KPM with budget allocation of IDR 32,65 Trillion.

130. Furthermore, the poor, especially those in villages not covered by PKH, receive direct cash assistance which is allocated in the Village Fund. The determination of beneficiaries is carried out through special village deliberations. Until November 2020, IDR19 Trillion in village funds had been distributed for 8 Million KPM in 74.189 villages. Until December 2020, an additional target of disbursement of IDR 9 Trillion was allocated.

131. In early 2020, GoI began to develop programs for unemployment protection, namely the Pre-Employment Card Program, which is regulated under Presidential Decree No. 36/2020 on Job Competency Development through the Pre-Employment Card Program. This is a work competency development program aimed at job seekers, workers/laborers who have been terminated, and/or workers/laborers who need competency development. This program aims to develop the competence of the workforce and increase the productivity and competitiveness of the workforce.

132. Pre-Employment Card holders will be given online and offline training, and those who have completed the training program, will get an incentive money from the government, that can be used for: training costs, finding job expenses and incentives for filling out evaluation surveys. Incentive money will be given for 3 months or less, as long as the holders still unemployed. GoI prepares a budget of around IDR 10 trillion for this Pre-Employment Card. The target is that around 5.6 million people will receive this program by 2020.

## **Child Marriage**

133. Indonesia has several programs to reduce early child marriage by targeting several factors, (i) improving family welfare systems and economic resilience, (ii) increasing awareness of health risks in early pregnancy for children, (iii) programs providing free

education and providing children with 12 years school programs (kindergarten to high school), (iv) reducing child marriage and enhancing youth skills to create their future careers - which also includes ways to overcome social stigma.

134. MoR has conducted research in seven provinces in collaboration with local NGOs on the implementation of the Marriage Law. This study aims to gain a better understanding of early marriage and unregistered marriage and to identify steps that the MoR will take to address these two problems. The MoR also invites religious and community leaders to raise awareness about the negative impact of religious marriage.

135. The National Population and Family Planning Board (BKKBN) also launched the Planning Generation (Genre) program which aims to provide an understanding for the youth on marriage age so that they are able to better plan their future, including pursuing education, career and marriage in full preparation including by taking into account their reproductive health cycle. This program aims to prevent early marriage, premarital sex and drugs.

136. MoWECP also implements various programs and advocacy to prevent child marriage by directly targeting children through various program, such as: facilitating training and outreach for children by establishing a Children's National Forum and Family Learning Centre (Puspaga); conducting campaigns to schools as part of the "Children's School Program (Child-Friendly Schools)" as well as providing training assistance on children's rights to encourage institutions; integrating child marriage as an indicator of the twenty-four indicators for Child-Friendly City (KLA); and creating Communication, Information and Education on Child Marriage Prevention and Child Marriage Prevention Module;

137. In terms of law enforcement, GoI has committed to prevent child marriage. For example, in 2018, the Government of Bangka Belitung, represented by the Regional Child Protection Commission (KPAD), has stopped the marriage of a 16 years old child to a 50 years old man through mediation with the parents of the child.

138. In 2019, the DPR has agreed to increase the legal age of marriage in the Marriage Law to 19 years for both men and women. This change is regulated in Law No. 16/2019 on Amendments to Law No. 1/1974 on Marriage. Increasing legal age of marriage can promote family welfare, reduce maternal and child mortality, reduce stunting, and encourage the achievement of SDGs.

139. In accordance with the Village SDGs concept of MoVDDRT, the development of Child Care Villages ensures the formulation of Village Regulations so that the age of first marriage is at least 18 years old. Furthermore, it will target the elimination of rape of children and teens, and the absence of births in teens.

140. Furthermore, under the RPJMN 2020-2024, prevention of child marriage is one of five priority issues that are the focus of women empowerment and child protection development.

## **Child Labor**

141. MoWECP Regulation 05/2015 on Gender Responsive and Children Friendly Working Facilities at the Working Place, is a reference for the private and public sector to provide gender-responsive and children friendly facilities at the working places.

142. With the establishment of National Action Plan for the Elimination of the Worst Forms of Child Labor (RAN-PBPTA) 2013-2022, Indonesia aims to be free from child labours by 2022.

143. Indonesia has established a Child Labor Reduction Program that helps child laborers to get further education. During the period of 2008-2018, the program attracted 105.956 child workers back to school. To ensure companies comply with RAN-PBPTA, GoI has taken measures, such as: MoM launched the "Child Labor Free Zone" program in industrial estates throughout Indonesia. The goal of the program is to provide assistance to fulfil child labourers' rights of education and return them to education in collaboration with MoEC, MoR, MoSA, and MoWECP. In association with Indonesian Association of Child-Friendly

Companies (APSAI) has also established set of indicators as a mechanism to promote child-friendly company.<sup>7</sup>

144. One of the programs in RAN-PBPTA is psychosocial rehabilitation in special facilities for re-integration and social rehabilitation.

145. Furthermore, in the framework of the Village SDGs, the development of Child Care Village seeks to ensure that there is no more child being employed, as well as eliminating unsafe working conditions. Under the RPJMN 2020 - 2024, the reduction in child labor is one of five priority issues that are the focus of women empowerment and child protection development.

### **Violence against Women (VAW)**

146. Indonesia is committed to combating all forms of discrimination and VAW. Addressing VAW and children is one of the main priorities of the current government.

147. There are a number of contributing factors to the cases of VAW in Indonesia, such as 1) Socio-cultural barriers including patriarchal values, unequal social and economic status; 2) Lack of comprehensive and verifiable data to formulate effective policies; and 3) Inconsistency in law enforcement contributing to the impunity of perpetrators of violence.

148. As a means to ease and widen the scope and area to reach victims of violence, Indonesia has established an integrated service center to provide a mechanism for prevention, protection, promotion, rehabilitation and reintegration for the victim of violence, as well as coordination among stakeholders and national task force on TIPs. Concerning the management of cases, GoI continuously strengthen its law enforcement and rehabilitation capabilities. In order to ensure that cases are handled accordingly, MoWECP provides capacity building for field officers from relevant institutions on handling and reporting VAW, knowledge in legal proceedings and provision of legal assistance, provision of relevant health services, social rehabilitation, repatriation and reintegration for the victims and their families.

149. As of 2017, there are 470 Integrated Service Center for Women Empowerment and Child (P2TP2A) and 7 Child Protection Safe Houses (RPSA). Furthermore, MoWECP established community watch in several villages.

150. GoI allocates funding for Integrated Centers, as well as provides gender-responsive training and capacity building. At the moment, 949 of the projected 2,000 law enforcement officers have been trained in handling cases involving women and children. As of 2017, 567 Women and Children Service Unit in police stations and 67 Integrated Crisis Unit in police hospitals have been established across Indonesia. In line with this, GoI has also created Taskforces on Human Trafficking in 32 Provinces and 194 Regency/Cities.

151. Through MoWECP Regulation No. 4/2018 the Unit on the Protection of Women and Children (UPTD PPA) are established by local governments to manage and deliver services, including special protection to victims and/or survivors of violence against women and children.

152. MoWECP also promotes the establishment of community-based integrated services for protection of women and children (PATBM) and engages women activists, as agents of the government, to manage the PATBM and to prevent and early detect any forms of violence cases at the village level.

153. To build monitoring mechanism in ensuring the implementation of Law No. 23/2004 on the Elimination of Domestic Violence and other relevant laws to protect cases of VAW, MoWECP looks favourably on the recommendation of the Komnas Perempuan to reconsider the operation of the formerly established Integrated Justice System for Women Victim of Violence (SPPT KTP). Such a system is expected to ensure the fulfillment of the rights of women and children in the criminal court for justice and in the recovery process through the

<sup>7</sup> So far, 23 members of APSAI has declared themselves to be child labour free work environment.

civil court. Additionally, GoI has put the draft of Sexual Violence Bill as one of the priorities in the National Legislation Program (Prolegnas) of 2021.

154. Until 2019, UPTD PPAs have been established in 25 Provinces and 63 Regencies/Cities, and are expected to cover all 34 provinces, 83 cities, and 307 regencies across the country. Currently, MoWECP is preparing technical guidance and standard operating procedures (SOP) as part of the business processes.

155. The UPTD PPAs have specific mandates to: a) receive community's reports on cases; b) reach victims or survivors; c) handle cases into courts; d) to host survivors into safe house/crisis centers; e) to mediate; f) to accompany survivors. It is expected that the UPTD PPA will closely work and coordinate with puskesmas, hospitals, and other health services, police force, prosecutor's office, public court, religious court, and other institutions, including witness and protection units. It is expected that these integrated services have strong structures to enable them to effectively operate with sufficient funding sources, to provide infrastructure and facilities, human resources and workable coordination with other government agencies.

156. The Regional Office of MoWECP in West Papua carried out awareness-raising activities on the importance of the establishment of UPTD to all regencies and provided capacity building to the staffs and crew of the integrated services for protecting and providing services for women and children victims of violence, including victims of TIPs.

157. GoI has implemented specific and targeted strategy to address the issue of VAW by establishing preventive mechanisms, enhancing management of cases and enhancing empowerment of women. Examples of preventive mechanism include among others:

(a) Encouraging local government to issue by-laws on the protection of women and children against violence such as Province of Maluku's by-laws No. 2/2012 on the Protection of Women and Children;

(b) Establishing a coordination forum in each province to address the issue of VAW. Members of the Indonesian National Task Force on Anti TIPs include non-government organizations, academicians, professionals, as well as individuals who share the same concerns and envisioned zero tolerance to violence, including TIPs. The National Task Force is led by the Coordinating Ministry for Human Development and Culture, while the MoWECP acts as Daily Chairperson. In total, 19 Government Agencies are involved within the National Task Force;<sup>8</sup>

(c) Conducting advocacy programs and campaigns to engage men aged 15 to 30 years old to participate in the prevention of domestic violence and empower them to support victims of violence in reporting cases of domestic abuse. These programs engage boys and youth to advocate on preventing VAW and girls through the Children's Forum as well as the Community-Based Integrated Child Protection Program;

(d) Collaborating with national universities around Indonesia in promoting "Gender-responsive Campus" and engaging academics, as well as youth in raising awareness on gender equality in campuses and public spheres. Until now, the program has been conducted in 30 campuses across Indonesia.

158. To improve the quality and monitoring of services provided, a standard for recording and reporting of VAW is created through the launch of an online application system named the Simfoni PPA. The system has been implemented in 548 Units at Provincial level, and 419 P2TP2A, 427 Police Units, and 337 Healthcare facilities. Simfoni PPA has been granted the ISO-27001 certification. The system has improved the availability of up to date, real time, and accurately reported VAW cases, which is accessible to all Women and Children Service

<sup>8</sup> The national task force has 6 Sub Task Forces: (i) Prevention Task Force led by the MoEC; (ii) Medical and Psychological Service Task Force led by the MoH; (iii) Social Rehabilitation, Repatriation and Reintegration Task Force led by the MoSA (iv) Legal Development Task Force led by the MoLHR; (v) Law Enforcement Task Force led by the Head of Criminal Investigation Agency of the National Police, and (vi) Coordination and Collaboration Task.

Units/UPPA, at provincial and regency/city levels. GoI also ensures the provision of health services for women and girls who are victims of violence.

159. On data provision, the current data on VAW comes from various sources<sup>9</sup> Since there are no single integrated data on VAW, including those of women disabilities, recently GoI launched a nation-wide survey to collect more comprehensive data and information on VAW, including their root causes.

### **Female Genital Mutilation (FGM)**

160. GoI has taken several policies aimed to control female genital mutilation/circumcision (FGM/C) practices, with an end goal to eliminate harmful FGM/C practices throughout the country<sup>10</sup> GoI has revoked the MoH Regulation No. 1636/2010 on Female Circumcision by issuing MoH Regulation No. 6/2014 which prohibits all medical practitioners to conduct the FGM/C.

161. FGM/C is part of a long-held tradition and belief which has been passed down through generations of families and communities, which is mostly done by tradition and is carried out symbolically. Even with the prohibition by ministerial decree and health workers and Health Service Facilities to not promote FGM/C, there are still demands for female circumcision in some society.

162. Raising awareness and advocacy are key in the effort to eliminate FGM/C. Indonesia has intensified efforts in conducting awareness programs among the medical and health workers, parents, community and religious leaders to prevent FGM/C practice on the ground. A series of workshops in cooperation with NHRI has been done to formulate concrete strategies and programs to address the issue of FGM/C.

163. MoH regularly conducts dissemination programs on MoH Regulation No. 6/2014 to respective stakeholders in 34 provinces, as well as professional organizations.

164. In the effort to prevent FGM/C practices, optimizing the role of health workers is the key. Therefore, health workers need to have the necessary understanding to inform and educate the people on the consequences of FGM/C to clients/communities who ask for FGM/C at health facilities. MoH with the support of UNFPA is currently developing an advocacy strategy for the health sector in the form of guidelines and assistive devices for health workers regarding prevention of FGM/C.

### **Water and Sanitation**

165. Access to safe drinking water and sanitation as a human right is enshrined in various legislations in Indonesia. Within these legal and regulatory frameworks, a range of actors play a role to ensure the universal enjoyment by all rights-holders of access to safe, affordable, acceptable, and reliable water and sanitation services:

(a) Law No 17/2019 on Water Resources regulates that the State guarantees the people's right to water to fulfill their basic daily needs;

(b) The Local Government has the responsibility to meet the needs of drinking water for the community, as regulated in Law No. 23/2014 on Local Government;

(c) Presidential Regulation No. 185/2014 on the Acceleration of Water Supply and Sanitation, determining 2 (two) pathways, namely the National Drinking Water Road Map and National Sanitation Road Map to accelerate the achievement of universal access to water. The roadmaps become a reference for ministries/agencies and local governments in preparing the Water Supply System Master Plan (RISPAM) and the Regency/City Sanitation Strategy (SSK).

<sup>9</sup> MoWECP, MoH, MoSA, CBS, and P2TP2A, *Komnas Perempuan*, as well as various CSOs.

<sup>10</sup> National data from 2013 shows the percentage of girls circumcised aged 0-11 years is 51.2%, with 72.4% being circumcised at the age of 1-5 months (Basic Health Research, 2013).

(d) Government Regulation No. 122/2015 on Drinking Water Distribution System stated that water supply system is established to provide drinking water for the society and to fulfill people's right to water. In order to deliver safe water for the society, water supply system is categorized by pipeline and non-pipeline, which is held to guarantee the quantity, quality and continuity of the supply;

(e) Government Regulation No. 54/2017 on Regionally-Owned Enterprises, The purpose of Regional Water Enterprises (BUMD) is more on organized public benefits in the form of providing quality goods and / or services for the fulfillment of people's lives according to the conditions, characteristics and potential of the area concerned based on good corporate governance;

(f) Regulation of the Minister of Public Work and People's Housing No. 27/2016 on the Organization of Water Supply System. In the process of administering the water supply system, the central and local governments also involve community groups (POKMAS) to provide drinking water services to the community in areas that are beyond the reach. The Central Government and/or Local Government can provide financial support in the implementation of water supply system to community groups.

166. The program to accelerate the provision of drinking water and proper sanitation is included in the national priority program of RPJMN 2015-2019 and is continued in the RPJMN 2020-2024. From the 100% target which has been set, the achievement of access to drinking water in the 2015-2019 period is 89%: with pipeline network of 20% and non-pipeline network of 69%. The achievement of access to safe drinking water is at 7%. Based on the RPJMN 2020-2024, the 100% target for access to drinking water will be continued, with a pipeline network targeted at 30% and non-pipeline network targeted at 70%. Safe access alone is targeted at 15%. The RPJMN 2020-2024 target in the sanitation sector is: to increase the proportion of households that occupy dwellings with proper domestic wastewater access to 90% (including 15% safe water access).

167. In providing access to adequate drinking water, GoI has compiled Guidelines for Preparation of a Master Plan for the Development of a Drinking Water Supply System (RISPAM) by taking 2 different approaches for rural and urban areas. GoI has built a Drinking Water Supply System in urban areas totaling 21.4 million house connections (268,680 liters per second) and in rural areas as many as 11.1 million house connections (22,647 villages).

168. According to the MoH Regulation No. 3/2014 on Community-Based Total Sanitation (STBM), the implementation of STBM aims to create hygienic and sanitary behavior independently to improve the highest public health status. Since the STBM program was implemented, the average increase in access to sanitation per year has reached 3.53%, and based on calculations from the Center for Data and Information from BPS 2009-2017 data, the average increase in households having access to proper sanitation is 2.23% per year. In implementing STBM, it is guided by the following five pillars: 1. Open Defecation Free (ODF), 2. Wash Hands with Soap, 3. Management of Drinking Water and Household Food, 4. Household Waste Safeguard and 5. Household Liquid Waste Safeguard.

169. Based on the results of the 2019 National Socio-Economic Survey (Susenas) regarding the percentage of households that have access to proper sanitation: nationally, 77.44% of households have access to proper sanitation (including 7.5% safe access in it). Provinces with the highest percentage of households having access to proper sanitation were DI Yogyakarta (94.67%), Bali (94.59%), and DKI Jakarta (92.92%). Meanwhile, the provinces with the lowest percentage of households with access to proper sanitation were Papua (33.30%), West Sumatra (64.03%) and East Nusa Tenggara (64.58%).

170. The achievement of drinking water quality, that is in the RPJMN and Strategic Plan of the MoH, is monitored every quarter with E-Monev supervision of drinking water at the provincial level and E-Monev STBM. With support of Mobile Health Officers in Puskesmas together with Regency/City and Provincial Health Offices to jointly carry out supervision and monitor its sustainability.

## Mining and Plantation Sectors

171. Indonesia is committed to review regulations, policies and implementation of human rights in the mining and plantation sector. GoI has made changes to Law No. 4/2009 on Mineral and Coal Mining with Law No. 3/2020.

172. The provision of legal aid has been guaranteed in Article 28 D paragraph (1) of the Constitution. This is reinforced by Law No. 16/2011 which provides protection for the rights of citizens who are undergoing legal proceedings. By providing legal aid, GoI guarantees and fulfills the rights of legal aid recipients to have access to justice. Legal aid is provided to recipients of legal aid in criminal, civil and state administrative law issues, both litigation and non-litigation. GoI through the MoLHR has allocated a special budget for legal aid every year. This year's budget amounts to IDR 53 billion. In addition, each Regency/City Government also provides and allocates legal aid budget.

173. Based on the Job Creation Law, Environmental Permits are integrated into Business Licensing which consists of 3 stages, namely: Environmental Document Processing, Environmental Approval and Business Licensing. In the case of violation, Business risks of losing the main permit, namely the business license.

174. The establishment of the Feasibility Test Team (TUK) by the Central Government's Due Dilligence Agency (LUK) aims to ensure that the Environmental Impact Analysis (AMDAL) Feasibility Test assessment process runs in accordance with the Norms, Standards, Procedures and Criteria (NSPK) set by the Central Government. In addition, AMDAL compilers or evaluators are required to have a certificate, so that the AMDAL documents can be accounted for.

175. The community is given the opportunity to participate in business plans and/or activities, especially in the process of drafting AMDAL. Community involvement has become more proportional and focused by prioritizing the affected community without leaving the participation of other elements of society as long as it is relevant to the business plan and/or activity reviewed in the AMDAL. NGOs and observers are also involved, especially those who have been involved in or advocating for the directly affected communities.

176. Furthermore, GoI has provided a complaint mechanism through, among others, <https://www.lapor.go.id>, Public Communication Service Post, Regional Office, and NHRI institutions. Through the Community Communication Service mechanism, the DGHR plays an active role in encouraging authorized stakeholders to directly handle mining and plantation disputes and conflicts, in coordination with the MoEF and the Ministry of Energy and Mineral Resources, as well as the local government. Some of the results that have been achieved include stopping sand mining and plans to improve environmental quality in Batang Sinamar Regency (West Sumatra); support for the MoEF in investigating illegal logging cases in South Sumatra; and the inclusion of the DGHR in discussing plans for environmental recovery in East Kalimantan.

177. Apart from that, GoI also provides legal protection to anyone who advocate for the right to a good and healthy environment, by regulating that they cannot be prosecuted criminally or civilly, as stipulated in Article 66 Law No. 32/2009 on Protection and Management of the Environment. GoI also encourages the private sector to create an internal complaint mechanism.

178. GoI through the MoEF has high commitment and consistency in law enforcement. During 2015 - 2018, MoEF investigated 510 cases of environmental and forestry crimes that were processed by courts, 500 companies were subject to administrative sanctions, dozens of corporations were sued for civil law, and 200 operations were sanctioned for handling illegal wildlife and illegal timber. Efforts to enforce environmental law in Indonesia are continuously carried out with the value of compensation for environmental losses outside the court of up to IDR 36.59 billion. Meanwhile, the total court verdict with the power of civil compensation and restoration reached IDR 17.82 trillion in the period 2015 - 2017.

179. Indonesia has committed to play concrete role in advancing the implementation of the principles set out in the UNGP on Business and Human Rights. This requires close

collaboration between the private or corporate sector and the Government. The major role of corporations in protecting human rights can then support the role of government to foster an enabling environment for businesses to respect human rights throughout their operations, activities, and products and or services.

180. Some measures by GoI in this regard, among others: a. Development of a Training Module on Business and Human Rights; b. Formulation of National Guidelines on Business and Human Rights making business principles and human rights accessible and understood by all policy makers; c. Preparation of a Baseline Study and mapping of the relationship between business and human rights in the plantation, mining and tourism sectors; and d. Preparation of MoMAF Regulation on Human Rights Systems and Certification in the Fishery Business Sector; e. Establishment of National Task Force for Business and Human Rights consisting of 18 ministries/agencies and various partners from CSO, business association, and scholars.

181. In addition, business and human rights issues has been integrated into the draft National Action Plan on Human Rights (NAPHR) 2021-2024 by mainstreaming it into the four strategic target groups, namely the Children, Women, Person with Disabilities, and MHA.

182. Furthermore, the MOLHR established a Business and Human Rights due diligence indicator called PRISMA. This indicator will later be used by corporate business actors as a tool to assess themselves by mapping the real conditions of potential impacts or risks, establishing a follow-up plan from the assessment results, tracking the implementation of these follow-up actions, and communicating this series to the public. PRISMA was initiated, designed and developed by MoLHR together with civil societies in consultation with the companies.

## **Land Tenure**

183. In the Nawa Cita, the President pushes for policy regarding land ownership by accelerating Agrarian Reform to Ensure People's Rights to Land. This is done to overcome various problems caused by agrarian conflicts which aim to reduce poverty, create jobs, improve community access to economic resources, especially land, rearrange the imbalance of ownership, use of land and agrarian resources, reduce conflicts and disputes over land and agriculture, improving and maintaining the quality of the environment, and increasing the food and energy security of the community.

184. In implementing Agrarian Reform, cross-sectorial coordination between Ministries/Agencies and Local Governments is required. To that end, the President formed a National Agrarian Reform Team chaired by the Coordinating Minister for Economic Affairs. The team was assisted by the Agrarian Reform Task Force (GTRA) which consists of Central, Provincial and Regency/City GTRAs.

185. In this effort, GoI established MoAASP to assist the President in administering state governance in the field of agrarian/land and spatial planning. The MoAASP has the task of formulating, stipulating, and implementing policies in the spatial planning sector, agrarian/land infrastructure, agrarian/land legal relations, agrarian/land management, land acquisition, controlling spatial use and land tenure, as well as handling agrarian/land problems, including utilization of space and land.

186. The redistribution of land parcels that have been designated as objects for land reform during 2015-2020 reached 1,755,202 plots with 1,137,640 Ha. Meanwhile, the Agrarian Reform Acceleration Program which is carried out through Complete Systematic Land Registration (PTSL) has certified mass land for free during 2015 - November 2020 which reached 20,944,967 fields with 5,370,134 Ha (data as of 18 November 2020). Access to social forestry is also provided by GoI as an innovative policy to provide rights and access to land management to poor communities. The social forestry that has been implemented is 1,348,349.21 Ha of village forest, 666,458.82 Ha of community forest, 340,837.68 Ha of



community plantation forest, 319,414.78 Ha of forestry partnerships and 574,221 Ha of customary forest.<sup>11</sup>

187. Furthermore, agrarian reform has 3 important activities, namely accelerating the implementation of asset redistribution and targeted social forestry in order to provide opportunities for the people who so far owns no land/assets, to be able to participate in economic activities; continue to support the community in the utilization and production of land objects of agrarian reform and social forestry to encourage more productivity; and continue to accelerate the legalization through certification of people's lands and waqf lands, to provide legal certainty and prevent land disputes.

188. In handling agrarian/land issues, MoAASP has prepared a mechanism for resolving agrarian conflicts outside the court and it is the authority of MoAASP to decide them. MoAASP receives written complaints through the complaint counters, mailboxes and the ministry's website. From these complaints, MoAASP will conduct an analysis and provide a decision on dispute or conflict resolution in accordance with MoAASP's authority.

### **Forced Evictions**

189. In Law No. 2/2012 on Land Acquisition for Development for Public Interest, GoI has the authority to acquire land for public interest, including among others for extractive industries such as oil, gas and heat energy. Evictions, as part of Government policy, only take place in "extraordinary circumstances", if absolutely necessary, and involve protecting public health and welfare. Eviction is carried out as a last resort if there is no other viable alternative for GoI to acquire land for public infrastructure. If evictions are unavoidable, GoI respects the law and basic rights of victims of evictions and ensures that evictions are carried out by legal process, in accordance with national and international frameworks and standards with the ultimate goal of ensuring the rights of the people and communities affected.

190. Furthermore, the current legal framework ensures that any land acquisition for public infrastructure must involve all stakeholders, which guarantees that there is active participation of affected communities during the process, including provisions for providing appropriate and fair compensation in the form of grants or relocation to a new area or residence, according to the value of their rights over the displaced land and/or building. Evictions and transfers carried out by GoI or the private sector are in accordance with the national and international framework and standards governing regulations for carrying out evictions, as stipulated in the general comments of ICESCR No. 4, which Indonesia has ratified through Law No. 11/2005, and also with reference to the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement.

191. Evictions carried out by GoI or the private sector must meet the following requirements: ensure that prior to eviction, all alternative efforts have been communicated with the residents, to minimize the occurrence of forced evictions; Fair and proper compensation for residents affected by eviction has been calculated; and processes and procedures for protecting the human rights of evicted residents are in place.

192. The procedure includes conducting dialogue with the evicted victims; providing adequate notification within a reasonable period of time prior to eviction and information regarding evictions and, if possible, on alternative uses of the land to be displaced; ensuring the presence of government officials during the eviction process, especially when involving community groups, to ensure public order and protection of the evictees; having qualified and authorized personnel to carry out the eviction process; prohibiting evictions to be carried out during bad weather or at night; and providing guarantees that residents will have access to legal assistance to seek compensation through the courts.

193. GoI is taking serious steps to ensure that the rights to compensation and/or transfer of all affected persons, groups and communities are fulfilled. Displacement is developed in consultation with affected communities with full and prior informed consent. In fulfilling this right, GoI ensures that the affected population is given fair and proper compensation. Various

<sup>11</sup> Social forestry data is the authority of the MoEF.

forms of compensation are to be discussed and agreed upon through negotiations and a consultation process with the affected population. The compensation includes financial compensation, alternative land or housing, on-site upgrades, or relocation for cheap rental housing.

194. Regarding the displacement of the affected community, Government Regulation 2/2018 on Standards of Minimum Service has stipulated that the local government facilitates the provision of livable houses for people affected by the relocation of the Local Government program. One solution, namely by moving to the Rusunawa Project.

195. The Rusunawa project is a joint project involving the Government and the private sector (some of the projects are partnership projects between the central government- the MoPWH - together with the Provincial or Regency/City Governments). There are success stories and best practices in relocation of evicted victims in several provinces in Indonesia, such as in Jakarta, Surabaya and Yogyakarta. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, during his country's visit to Indonesia in 2013, made several recommendations in his initial report for the GoI to improve the Rusunawa Project. The recommendations cover the government's need to ensure a supply of cheap housing to match demand and take into account that these houses are built in locations adjacent to the eviction site or the initial location of evicted communities and job opportunities.

## **Right to Food**

196. Law No. 18/2012 on Food regulates that food administration is carried out to meet basic human needs which provides fair, equitable and sustainable benefits based on food sovereignty, food self-sufficiency and national food security.

197. The Nawa Cita has included food sovereignty and maritime and marine economies as strategic sectors that are integral parts of the agenda to achieve economic independence for the Indonesian people. Increasing access to nutritious food for all Indonesians is also one of the goals of development of the President Joko Widodo's administration.

198. GoI has set a goal of continuing to increase and strengthen food sovereignty. There are 4 main national priority targets in the food sector: (1) Increased food availability originating from domestic production; (2) Improved food distribution and accessibility, supported by monitoring of food distribution to prevent speculation, and supported by increase in government rice reserves to strengthen price stability; (3) Increased the quality of food consumption so as to achieve Desirable Dietary Pattern (DDP) score of 92.5 (2019), with fish consumption rate of 54.5 kg/capita/year; and (4) Availability of irrigation facilities and infrastructure (Water Security).

199. In the 2015-2019 RPJMN, the general policy directions for food security include: Stabilizing food security towards food self-sufficiency by increasing the production of staple foods; Stabilization of food prices; Improving the quality of food consumption and public nutrition; Mitigating disruptions to food security; and improving the welfare of food entrepreneurs, especially farmers, fishermen and fish cultivators.

200. Furthermore, in line with the Agricultural Development Master Strategy (SIPP) 2015-2045, the development of the agricultural sector during 2015-2019 will refer to the Agriculture for Development Paradigm, which positions the agricultural sector as a driver of development transformation, balanced and comprehensive, covering demographic, economic, intersectional, spatial, institution, and governance transformations. This paradigm provides a direction that the agricultural sector includes a variety of interests not only to meet the interests of providing food for the community but also broad and multifunctional interests. Apart from being the main sector on which food security is based, the agricultural sector has other strategic functions including solving environmental and social problems (poverty, justice, etc.) and its function as a provider of tourism facilities (agro-tourism). Positioning the agricultural sector in national development is the main key to success in realizing a Dignified, Independent, Advanced, Just and Prosperous Indonesia.

201. Utilization of marine resources is focused not only on supporting national food security, but also on promoting economic development and the welfare of fishermen and coastal communities.

202. Presidential Instruction No. 3/2010 requires a National Action Plan for Food and Nutrition as well as a provincial Action Plan, involving regencies/cities. Based on the Presidential Instruction, the 2011-2016 National Action Plan on Food and Nutrition was developed with an action-oriented program that is structured and integrated into the five pillars of the action plan. The 5 pillars are efforts to improve the nutritional level of the community; improve food accessibility; improve quality control and food safety; improve a clean and healthy lifestyle; and strengthening food and nutrition institutions. This action plan was developed as a guideline and direction in the implementation of food and nutrition development at the central, provincial and regency/city levels, both for government and community institutions, as well as other interested parties.

203. Indonesia's food security continues to improve in line with the improvement in the exchange rate of farmers from 100.02 in May 2015 to 102.6 in May 2019. This is supported by improvements in upstream agricultural governance, food statistics and food infrastructure. Indonesia's Global Food Security Index (GFSI) has increased from 46.7 in 2015 to 54.8 in 2018. This is in line with the improved ranking from 74 to 65 in 2018.

204. Food infrastructure development is GoI's commitment to achieve food security. Irrigation networks and water availability are the main keys. In the 2015 - 2019 period, 65 dams have been built with 15 units having been completed, 40 units are still in process and 10 new units began construction in 2019. As for the construction of the small farm reservoir, the MoPWH has built 1,062 units, 4,434 units were built by the MoA and 325 units were built by the MoVDDAT. In addition, 1.00 million Ha of irrigation networks have been built, 3.02 million Ha of irrigation networks have been rehabilitated, and 3.21 million Ha of tertiary irrigation network have also been rehabilitated.

205. To ensure stable prices, GoI has issued Presidential Decree No. 48/2016 related to strengthening the role of Bureau of Logistics (BULOG) for national food security. GoI assigns BULOG through the Ministry of Trade to carry out Supply Availability and Price Stabilization (KPSH) activities to stabilize the price of rice in the market by using Government Rice Reserve (CBP).

206. Furthermore, MoA launched the Agriculture War Room in February 2020 as an effort to increase food security. Through AWR, GoI can periodically monitor agricultural data, such as the area of raw rice fields, fertilizer supply to harvested area.

## **Health Care System**

207. In 2014, GoI has launched the National Health Insurance Scheme to cover all Indonesians by 2019. Currently, these schemes cover more than 224 million people or 82,69% of total population in all public hospitals and include private hospitals.

208. In implementing the National Health Insurance Program (JKN), GoI has carried out reforms in health financing and health services so as to bring people's access closer to health services and provide financial protection, as in the case of chronic diseases which require very high costs.

209. GoI has increased budget for PBI Health Insurance, from 86,400,000 people in 2014 to 96,513,114 people in 2019. In 2019, GoI has prepared a budget allocation of IDR 35,9 Trillion for PBI.

210. The development of health facilities that work together as FKTPs has increased from 18,437 health facilities in 2014 to 23,430 health facilities in 2019. The most types of FKTPs are Puskesmas, amounting to 9,933 or 44% of the existing FKTPs. The FKTP network also consists of pharmacies, laboratories, and independent midwife practices.

211. Based on MoH Regulation No. 4/2019 basic services related to MSS on health are carried out in health service facilities belonging to the central government, local government, and the private sector by health workers according to their competence and authority.

212. The development of health facilities and responses at the Puskesmas has progressed, based on the results of the 2019 Health Facility Research (RIFASKES). Puskesmas response rate is 99.2%; 24-hour electricity availability at the Puskesmas is at 97.9%; availability and quality of water of at 91,9%.

213. The condition of a total of 8312 Secondary Community Health Centers (Pustu): 1958 Pustu not operating (51.4% unfit for habitation, 16.2% prone to security disturbances, 18.9% remotely located, 13.5% other conditions. From a number of 4327 Village Maternity Homes, 600 of them are not operationnal.

214. In accordance with Presidential Decree No. 82/2018 on Health Insurance, it is stipulated that each participant has the right to receive health insurance benefits which are individual health services including promotional, preventive, curative and rehabilitative services including services for drugs, medical supplies and consumables in accordance with the necessary medical needs, including in this case HIV/AIDS. HIV/AIDS is included in the health services guaranteed by the JKN program, while the management and provision of therapy are in accordance with applicable medical service standards. Combatting HIV is a national program and in its implementation, it carries out various activities including efforts to prevent the spread or transmission.

### **Maternal Mortality**

215. Indonesia is committed to ensure that every woman is entitled to the enjoyment of their health, as part of their human rights. The current government continues the national health system reform that includes improving access to health.

216. Reducing maternal mortality rate (MMR) and improving access to sexual and reproductive healthcare across the country continue to be high priority on the national agenda. The national family planning program remains crucial in improving the health and well-being of mother and children.

217. Efforts to reduce MMR are implemented by expanding access to maternal health services through increased skilled health personnel in health care center, provision of antenatal care for mother and baby, ensuring all child delivery is conducted in health facilities, and family planning services.

218. GoI is reducing maternal and child mortality rates by implementing Childbirth Insurance Program (Jampersal). Jampersal targets community members who have not obtained health insurance. As of 2019, Jampersal covers services in 33 provinces and 497 regencies/cities such as financing antenatal services, delivery assistance by health personnel, postpartum services, and family planning services.

219. GoI has also improved facility-based outreach service by increasing the quality and number of Puskesmas which implements the Basic Emergency Obstetrics and New Born Care (BEmONC) and Comprehensive Emergency Obstetrics and New Born Care (CEmONC).

220. In 2016, the number of Puskesmas that implemented BEmONC has reached 2.707 units and the number of hospitals that implemented CEmONC has reached 650 hospitals across Indonesia.

221. GoI has increased health personnel capabilities. The distributions of general practitioners, specialists, midwives, and paramedics, have increased through pre-service and in-services training. These efforts have resulted in the drop of MMR from 346 per 100.000 in 2010 to 305 per 100.000 in 2015.

### **Mental Health**

222. Indonesia already has Law No. 18/2014 on Mental Health which aims to provide protection and guarantee mental health services based on human rights and to provide integrated, comprehensive and sustainable health services through promotive, preventive, curative, and rehabilitative efforts.

223. Since GoI has the policy to integrate mental health into primary services, it is necessary to increase the knowledge and skills of health workers (doctors and nurses) in Puskesmas. We have developed a training module for puskesmas doctors and nurses. The module is a modification of the WHO GAP Intervention Guide for mental disorders in non-specialized health settings. The materials include lesson on general principles of mental health services that respect human rights.

224. To increase access and maintain continuity of services in the community, we involve and empower the community and user groups (families and patients), through socialization/increasing the knowledge needed. In some areas, mental health has been included in “alert village” activities, for example in Aceh and West Java, by the creation Information, Education and Communication (IEC) media for the community.

225. Mental health is also included in the National Health Insurance, in primary and referral services according to competence. In the Healthy Indonesia Program with Family Approach (PIS-PK), there are indicators of serious mental disorders treated and not neglected. Based on data from healthy family applications as of October 3, 2018 nationally, the percentage of visit coverage was 26.80% with the number of families visited of 17,651,605.

226. According to Basic Health Research (Riskesdas) 2018, sufferers of mental disorders in Indonesia have recorded an increase. This increase is revealed by the increase in the prevalence of households that have person with mental disorders (ODGJ) in Indonesia. The figure now stands at 7 per household mile. This means that per 1,000 households there are 7 households that have ODGJ, so the number is estimated to be around 450 thousand ODGJ.

227. The Shackling Free Program has been launched by the MoH since 2010. This Shackling Free Program intends to realize the state's duty to respect, to protect and to fulfill the obligations for the human rights of mental health for all people without exception. Based on data in 2016, the total number of shackling cases was 5,476, with 4,067 shackling cases receiving mental health services.

228. Riskesdas 2018 reported the prevalence of households with schizophrenia or psychiatric disorders in Indonesia amounts to 282,654. Family members with mental disorders schizo/psychosis amounts to 6,5 per mill of households. The proportion of households with members having psychosis/schizophrenia mental disorders which had been shackled for life was 14%; Shackled for the last 3 months of the survey was 31.5%. The population aged > 15 years who suffer from depression is 6,1%.

229. Mental health problems included in the Puskesmas Information System are dementia, anxiety disorders, depressive disorders, psychotic disorders, drug use disorders, developmental and behavioral disorders in children and teens, mixed anxiety and depression disorders, somatophone disorders, insomnia and attempted suicide.

230. Puskesmas as the first level health service facility will be the front-line unit in the effort to achieve PIS-PK and MSS targets. In the MSS there are Health Service Indicators for person with serious mental disorders. Every severe ODGJ receive health services according to standards through mental health checks, mental status checks, interviews, and education.

231. To achieve the MSS indicator target in providing health services for severe ODGJ, measures are being undertaken in the form of providing Mental Health Communication, Information and Education material, Mental Health Guidelines and Workbooks, increasing knowledge of human resources for doctors and nurses in mental health centers, recording and reporting, providing severe ODGJ health services at Puskesmas, conducting home visits (monitoring drinking medication, decrease symptoms and side effects of drugs, perform clean and healthy lifestyle (self-care for severe PWMD, IEC about symptoms of serious mental disorders and their treatment, reduce stigma and discrimination), as well as through monitoring and evaluation.

232. In addition to the PIS-PK and MSS indicators, the 2015-2019 MoH's Strategic Plan includes a performance indicator for the Directorate of Prevention and Control of Mental Health and Drug Problems. The indicator reveals the number of regencies/cities that have health centers which organize mental healthservice, with a target of 230 regencies/cities in 2018 and with achievements as many as 247 regencies/cities.

233. Some programs for developing Human Resources in Mental Health are: Training for non-specialist health workers (doctors, nurses, midwives) and 700 doctors and nurses from 350 public health services (PKM) in 15 provinces have been trained.

234. In the 2015-2019 MoH's Strategic Plan, includes an indicator for provinces that carry out prevention and control efforts for mental health problems and drugs in 30% of High Schools and equivalent.

### **Primary Education, Literacy Rate and Dropout Rates among Girls**

235. Indonesia remains committed to ensure the exercise of the right to adequate and quality education. To that end, GoI continues to push the education budget to a minimum of 20% from both the state budget and regional budget. The education budget is channeled through the School Operational Assistance program (BOS) and Educational Operational Assistance program (BOP) to meet the minimum needs of schools, early childhood education program (PAUD) and non-formal education.

236. Government policy through MoEC regarding the distribution and use of BOS funds is more flexible to finance the operational delivery of education in schools. The distribution of BOS funds is done directly to school accounts by the MoF.

237. The regular 2020 BOS fund program, increased by IDR 100,000. The details are respectively IDR 900,000 for elementary school students, IDR 1.1 million for junior high school students, for high school students from IDR 1.5 million, while for SMK students, IDR 1.4 million. Distribution is carried out 3 times per year with a portion of stage I (30%), stage II (40%), and stage III (30%). Reporting the use of BOS funds by schools online via the page: <https://bos.kemdikbud.go.id/> is a requirement for the next stage of BOS distribution, with the aim of increasing the accountability of the use of BOS.

238. To improve and raise the quality of education, GoI is making efforts through the PIP. The distribution of PIP assistance funds is carried out in the form of the Smart Indonesia Card (KIP), which is a card intended to help school-age children from poor/vulnerable to poor/priority families to continue to receive education services up to the completion of secondary education, either through formal education (starting from elementary school until children graduate from high school) and non-formal education (Package A to Package C as well as standardized courses).

239. PIP funds can be used to support student personal costs, such as buying school supplies/courses, pocket money and transportation costs, additional practice fees and competency test fees, from IDR 450,000/year to IDR 1,000,000/year according to the level of education.

240. PIP for school-age children who are not in school. Out of school children were invited to return to study via this program. Since 2015, a number of 7,114 non-formal students received PIP, consecutively in 2016 as many as 20,670 students, 2017 as many as 215,055 students, 2018 as many as 120,844 students, and in 2016 as many as 20,670 students. In 2019, 169,127 students benefited from PIP.

241. Efforts to implement education in the frontier, outermost, and disadvantaged (3T) areas are not only carried out by GoI by assigning educators and building schools at the forefront of the country. It is also supported by the provision of access to information and communication technology (ICT) which is part of fulfilling everyone's basic right to information. Application of appropriate service models for 3T areas, namely integrated education in one roof schools, open schools, distance education and boarding-pattern education. GoI provides BOS Affirmation funds to support routine operations and accelerate learning for schools in disadvantaged and very disadvantaged areas with an allocation of IDR 2.85 trillion. Technical instructions regarding the use of BOS Affirmative and BOS Performance are regulated through the MoEC Regulation No. 31/2019 on Technical Guidelines for BOS Affirmations and BOS Performance.

242. Girls also have the same opportunity to obtain education. There is no gender discrimination in obtaining education in Indonesia, this can be seen from the GER<sup>12</sup> data for boys and girls in 2019, which tends to have no significant difference.

#### **Gross Enrollment Rate (APK) 2019**

243. Sex	244. Elementary/ 245. equivalent	246. Junior High/ 247. equivalent	248. High School/ 249. equivalent
250. Female	251. 107,31	252. 90,50	253. 86,06
254. Male	255. 107,61	256. 90,64	257. 82,03

Source: BPS, Susenas March 2019

258. In accordance with the fundamental principles and gender mainstreaming that are carried out in the 2030 SDGs achievement target, gender equality is also needed in fulfilling the right to basic education. The net enrollment rate (NER) ratio is used to see whether the achievement of gender equality in the education aspect has been fulfilled. The NER ratio is the percentage of women's NER to men's NER. The NER ratio value of 100 percent shows that the NER of women is the same as the NER for men, meaning that gender equality has been realized. The NER ratio in each education has reached 100 percent, meaning that there is no difference between the male and female population who attend school on time at the primary/equivalent education level. In addition, as the level of education increases, the percentage of women who attend school on time is higher than that of the male population.

259. The literacy rate is the proportion of the population of a certain age group who can read and write Latin letters or other letters. The following is the achievement of the literacy rate of Indonesia's population by age group in 2019.

260. Sex	261. 15-24 years old	262. 15-59 years old	263. 15 years old and above
264. Female	265. 99,75	266. 97,64	267. 94,33
268. Male	269. 99,78	270. 98,79	271. 97,48

Source: BPS, Susenas March 2019

272. Indonesia has launched the 12-year Compulsory Education Movement in 2015. Through the PIP, the implementation of the 12-year compulsory education in the 2015-2019 RPJMN has a target of increasing the number of continuing educations, which is marked by a decrease in the dropout rate. In 2019, the higher the level of education, the greater the dropout rate. Meanwhile, the dropout rate for males is greater than that for females at all levels of education. Meanwhile, the dropout rate for Elementary School is 530,000, Junior High School is 1,760,000, and High School is 3,350,000.<sup>13</sup>

#### **Dropout Rate 2019**

273. Sex	274. Elementary School/equivalent	275. Junior High School/equivalent	276. High School/equivalent
277. Female	278. 0,36%	279. 1,00%	280. 1,73%
281. Male	282. 0,39%	283. 1,14%	284. 1,80%

Source: BPS, Susenas March 2019

285. GoI, in collaboration with local governments, have initiated a 12-year free education program. As has been done by DKI Jakarta, Bekasi city and Tegal city gradually in both public and private schools. With the encouragement of formal education programs to be free, it is hoped that those who cannot afford to go to school can attend school.

286. To ensure access to education and an increase in the gross enrollment rate as mandated in Law No. 23/2014 on Local Government, GoI issued Government Regulation No. 2/2018

<sup>12</sup> GER or Gross Enrollment Rate is the proportion of the population who still go to school at a certain level of education to the total population of the age group that corresponds to that education level.

<sup>13</sup> According to 2018 BPS data.

on MSS, followed up by MoEC Regulation No. 32/2018 on Technical MSS for Education, in which local governments are required to implement MSS.

287. In the last ten years, Indonesia has succeeded in significantly increasing public literacy. According to data from the BPS, Indonesia has proved its success by achievements which exceeds the target of Dakar Education for All, by halving the illiterate population from 15.4 million (10.20%) in 2004 to 7.54 million (5.02%) in 2010. Whereas in 2016, the percentage of the population of Indonesia who is literate reached 97.93 percent or only 3.9 million people (2.07%) who were illiterate.

288. Several strategies of literacy elimination and quality assurance of literacy programs by the MoEC are:

- Providing literacy BOP services focused on the red zone (illiteracy rate > national average 2.03%) in the 99 most illiterate regencies, 3T, and Papua in 2018 including the Basic Literacy program in the most illiterate regencies, for 39,160 people; and Basic Literacy programs in the frontier, outermost, and disadvantaged (3T) areas, Papua and West Papua totaling 16,030 people;
- Providing literacy BOP services to KAT, for 2,100 people;
- Post-Basic Literacy Ability Maintenance Program, this is intended so that new literates do not return to illiteracy, covering two program options, namely: 29,060 Independent Business Literacy Education Program (KUM); intended for the maintenance of literacy skills and the introduction of business skills and a multicultural education program totaling 5,000 people, intended for the maintenance of literacy and empowerment in various fields of life according to their interests and needs;
- Expansion of Access and Quality Assurance for Literacy Education by monitoring literacy education programs in an integrated manner, the implementation of the final assessment of literacy education is carried out and coordinated by the regency/city education office, technical guidance for learning for literacy education tutors, publication of literacy learning models through the AKRAB e-journal (Literacy for Empowerment), Literacy BOP services through the online application [sibopaksara.kemdikbud.go.id](http://sibopaksara.kemdikbud.go.id), printing of NSPK, and literacy education teaching materials.

289. In general, literacy rates for all age groups in Indonesia have increased in the 2011-2018 period, both for both men and women. For men, the literacy rate has increased from 95.59% in 2011 to 97.33% in 2018. Meanwhile for women, the literacy rate has also increased from 90.07% in 2011 to 93.99% in 2018.

290. Literacy rates are lower in rural areas than in urban areas. There was a decrease in the illiteracy rate in urban areas from 97.78% in 2017 to 97.56% in 2018. Meanwhile for rural areas it also decreased from 93.79% in 2017 to 93.30% in 2018. In 2011 to 2018, literacy rates increased for almost all of the age group.

291. The women's development program in the form of Improving the Quality of Life of Women (PKHP). From 2015 to 2018, 30,960 women received this service, and in 2019 it is being implemented in 29 regions with 150 women each, as supporters of this activity compile a continuous education module of 15 titles where the theme of the titles is more focused on women's empowerment.

292. In accordance with the Village SDGs, the target of the dropout rate for girls of primary and secondary school age is 0%. Activities to reduce the dropout rate in villages will begin to be strengthened in 2021.

## Higher Education

293. GoI is committed to providing the widest possible access to education for Indonesia's young generation, both basic education and higher education. Based on BPS data, the higher



education GER according to gender has increased. This increase can be observed for men and women from 18.06 in 2011 to 30.19 in 2018.

294. Several programs have been implemented, including:

(a) The Bidikmisi scholarship program aims to increase access and opportunities to study in higher education and to prepare smart and competitive Indonesians. This program is also expected to break the chain of poverty in families with economic limitations and reduce future unemployment. Through this program, we also want to ensure that the graduates will be the best graduates with high GPA scores and have sufficient competences to increase the nation's competitiveness. GoI has increased the number of Bidikmisi recipients from 90,000 in 2018 to 130,000 student recipients in 2019;

(b) Higher Education Affirmation, hereinafter referred to as ADik, is a government-aligned program to help higher education institutions find and recruit prospective students from the frontier, outermost and disadvantaged areas and as an effort to provide the widest possible access to higher education for high school graduates or other equivalent forms. GoI has provided assistance to 1,326 students in 2017, 1,706 students in 2018, and 1,545 students in 2019. The aim is to increase access to higher education in the frontier, outermost, disadvantaged areas; increasing the gross enrollment rate for higher education; increasing equity in higher education; broaden the national perspective for ADik recipients; improving the quality of human resources through higher education; and provide opportunities for students from areas affected by natural disasters and who have lost access to higher education to continue their education at universities in other areas;

(c) As a form of further planning, GoI provides educational assistance for students who are admitted to tertiary institutions including persons with disabilities, in the form of the Indonesia Smart College Card (KIP College Card) to help its citizens obtain the right to higher education. KIP College Card will ensure continuity of study by providing tuition fee waivers in tertiary institutions and monthly living expenses for students who meet economic and academic requirements. KIP College Card for affirmation students will be regulated with separate guidelines and conditions. In 2020, the MoEC will expand the target of scholarships to continue higher education to 818,000 students through KIP College Card, including recipients of ongoing Bidikmisi up to the completion of the study period. For 2020, GoI will target 400,000 new KIP College Card beneficiary. In addition, KIP College Card will also provide more access to vocational education, more than in previous years;

(d) Distance learning (PJJ) which is carried out in network or online can reach more students to study. This is one of the solutions in overcoming Indonesia's geographical conditions;

(e) The Papua and 3T areas affirmation scholarships are scholarships such as Bidikmisi, but specifically for students from Papua and the 3T areas.

295. Apart from that, each Local Government also has a scholarship program for high-achieving local talent. Namely, the DKI Jakarta Provincial Government has the Jakarta Excellent Student Card program which provides Education Quality Improvement for public university candidates/students from economically disadvantaged families and has good academic potential to increase access and opportunities to study at public university with full funding from regional funds of DKI Jakarta Province. Education Quality Improvement Fee Assistance is provided in the form of education delivery costs and/or personal support costs of IDR 1,500,000/month.

### **Masyarakat Hukum Adat (MHA)**

296. Indonesia commits to uphold the constitutional mandate to protect the rights of Indonesia's MHA. Towards this end, the GoI will continue to take measures to widen their access, including women and children, to basic needs, economic infrastructure and social services.

297. Normative frameworks to recognize a certain degree of "land rights" of MHA have been developed. These frameworks also provide measures to protect the rights of MHA and

increase their welfare through, inter alia, fulfillment of basic needs, widening access to job opportunities and land. They also broaden the opportunity for MHA to further integrate with the mainstream social and economic system. Moreover, the draft law on MHA is already included in the 2015 - 2019 National Legislation Priority.

298. At the end of 2016, President Widodo presented his Decree on Land Certificate to 9 MHA throughout the country. This signifies GoI's recognition of land for MHA. Currently, GoI has recognized 35,090 Ha as Adat Forest with 36,438 families through 65 decrees.

299. To that end, GoI issued Presidential Regulation No. 88/2017 on Procedures for Settling Land Tenure in Forest Areas in order to resolve and provide legal protection for community rights who control land in forest areas. In 2019 the identified and verified customary forest areas were 42,147 hectares. In addition, in 2019 a designation of customary forest areas was issued covering 914,927 hectares.

300. Apart from developing normative frameworks for MHA at national level, GoI also encourages provinces in Indonesia to develop their normative frameworks. Currently, 25 provinces in Indonesia have already developed their regulations on MHA.

301. GoI is committed to scale up the efforts to address the remaining challenges in fulfilling the rights of MHA, including in solving disputes between MHA and state-owned enterprises on the use of land and natural resources,<sup>14</sup> and eradicating stereotypes and stigmas on MHA.

302. Efforts that have been conducted by both national and local government include:

(a) Implementing policies that focus on protection of MHA, such as MoHA Regulation No. 52/2014 on Guidelines on the Protection of MHA;

(b) MoSA and MoHA have programs that facilitate the issuance of ID card and birth certificate. This measure is a means to recognize and protect the right of geographically KAT to have proper citizenship identity and have access to social welfare services;

(c) To increase information on legal assistance, MoLHR has conducted dissemination to law enforcement officials on Law No. 16/2011 regarding legal assistance for disadvantaged communities to guarantee their constitutional rights to justice and equality before the law;

(d) MoEF facilitate implementation of Presidential Decree No. 88/2017 on Settlement of Land Ownership in Forestry Area to various relevant ministries and agencies;

(e) MoVDDAT has developed remote areas and communities, through enhanced economic access;

(f) MoSA also implements KAT Empowerment/PKAT;

(g) GoI also conduct regular dialogues with MHA on the protection and empowerment of women. As of 2019, dialogues have been conducted in 11 regencies, resulting in recommendations and policy briefs based on respective local wisdom, conditions and needs;

(h) Implementing policies that focus on protection of MHA, such as Minister of Fisheries Regulation No. 8/2018 on Procedures for Establishing Management Areas of MHA in the Use of Space in Coastal Areas and Small Islands. There are 15 by-laws that acknowledge MHA in coastal areas and small islands. In addition, MoMAF also identifies and maps MHA, mentors MHA and develops MHA.

303. Law No. 6/2014 on Villages also provides the opportunity for the community to define their traditional village so that Adat villages can be formed and facilitated to develop while still maintaining their customs. This is in line with Village SDGs target No. 18, with respect to dynamic village institutions and adaptive village culture. This is to ensure the

<sup>14</sup> Land disputes involving MHA is handled by the Public Complaint Services of the MoLHR, the National Land Agency and Komnas HAM.

empowerment of local customs and development of active communities. Currently there are 1,943 traditional villages.

304. In addition, through Law No. 5/2017 on the Advancement of Culture, GoI also promotes MHA culture. Culture-based MHA empowerment policies are carried out through data collection and documentation of MHA, recognition of the existence of MHA, strengthening of customary/cultural institutions, as well as enhancing and fostering the quality of human resources.

## **Language**

305. The Law on Cultural Advancement stipulates 10 objects of cultural advancement, one of which is language. Indonesia has a wealth of local ethnic languages that are diverse and spread from Sabang to Merauke. In that local language there are also various dialects. The diversity of languages is a reflection of the ethnic and cultural diversity of the Indonesian people. Among the hundreds of local languages found in Indonesia, GoI realizes that local languages are threatened with extinction so it needs an effort to preserve and manage languages as a wealth and strength to consolidate the Unitary State of the Republic of Indonesia (NKRI).

306. Protection efforts are manifested in 5 programs, namely (1) mapping, (2) vitality studies, (3) conservation, (4) revitalization, and (5) language registration. Mapping is documenting the results of verification and validation of language and literary maps. In the book *Languages and Language Maps in Indonesia* published in 2019 by the MoEC, it is stated that the number of local languages that have been inventoried and described is 668. If examined from accumulated distribution of local languages per province, there are 750 languages in Indonesia. This was done from 1991 to 2018.

307. The study of the vitality of a language and literature is carried out to determine the status of a language and literature based on its categories. In the study of language vitality, there are 19 languages that are safe, 16 languages that are stable but threatened with extinction, 2 languages that are experiencing decline, 22 languages that are threatened with extinction, 4 languages that are critical and 11 languages that are extinct.

308. Conservation is carried out through the preparation of phonological, morphological, syntactic, and orthographic systems (script). In 2018, 20 studies on the vitality of language and literature were carried out, including the Nedebang language in NTT and the Kalabra language in Papua.

309. Language revitalization is carried out through local language learning of the speakers of the relevant language, both classical and modeling in a particular community by providing documentation of language references, such as grammar and dictionaries, and compiling the results of language vitality tests. In 2018, there are 10 local languages which are revitalized. The results of mapping, vitality studies, conservation and revitalization are registered through printed documents and digital archives.

310. In addition to the efforts made by the Language Agency, the local government has also made conservation efforts through stipulating the use of local languages through local regulations, including West Kalimantan Governor Regulation No. 153/2016 on Kanayatn Language as a Subject of Local Content in West Kalimantan Schools and the Badung Regent Regulation No. 24/2016 on the Use of the Balinese Language in the Badung Regency Government Environment. Regarding the regulation of local content subjects, GoI has established a policy through the Regulation of the MoEC No. 79/2014 on Local Content of the 2013 Curriculum.

## **Other Recommendations**

311. Indonesia has ratified 8 human rights instruments and the two Optional Protocols to Convention on the Rights of the Child (CRC). Since 2017, Indonesia has been taking steps in resuming its process of ratification to CPED. Meanwhile, national deliberations on the importance of signing or ratifying other international instruments continue to be exercised.

In line with the on-going deliberations, Indonesia has supported the fundamental principles enshrined in various international human rights conventions and committed to incorporate them into the existing national frameworks and mechanisms.

312. The GoI, through the MoLHR dan MoFA, regularly conducts dissemination activities related to the CESCER, and to recommendations submitted by the Committee to related/Agencies, as well as Local Governments

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