



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

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**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

**Replies of Indonesia to the list of issues and questions in
relation to its eighth periodic report***

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* The present document is being issued without formal editing.



Introduction

1. This document is prepared in response to the List of Issues and Questions in relation to the Eighth Periodic Report of the Republic of Indonesia (CEDAW/C/IDN/Q/8).

2. Due to COVID-19 pandemic situation, the preparation of Indonesia's response to the List of Issues and Questions was carried out through virtual consultations coordinated by the Ministry of Women Empowerment and Child Protection (MoWECP), and close collaborations with the Ministry of Foreign Affairs and the Ministry of Law and Human Rights (MoLHR). Consultations involved related Ministries/Agencies, as well as National Human Rights Institution (NHRI), Civil Society Organizations (CSOs), to acquire information on the implementation of the Convention.

Visibility of the Convention and its Optional Protocol

Reply to Question No. 1

3. Programs to further strengthen the capacities of government officials and stakeholders at national and local through capacity building, training and dissemination programs are regularly conducted to promote the principles of human rights. They target a broad range of audiences, including civil servants, law enforcers, students, teachers and community leaders, and address different thematic issues on the rights of women and girls.

4. The MoLHR regularly conducts dissemination programs for local government officials, local institutions, high school teachers, high school students, community leaders and civil society, on the issues on the eradication of violence against women (VAW), domestic violence, and trafficking.

5. Capacity building through trainings of judges, including from religious courts, prosecutors and supervisors are conducted to support the equality of women and men. The capacity building was also given to Law Enforcement Officials/*Aparat Penegak Hukum* (LAW/APH) consisting of Police, Prosecutors, Judges, Lawyers, and Integrated Service Centre for Women Empowerment and Child Protection/*Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak* (P2TP2A) and Regional Technical Implementation Unit for the Protection of Women and Child Protection/*Unit Pelaksana Teknis Daerah Perlindungan Perempuan dan Anak* (UPTD PPPA) Assistants from provincial and district/city. Since 2017–2019, the MoWECP has increased the capacity building to 499 LAW. In this program, several main issues were pinned, such as mainstreaming Law 21/2007, handling VAW cases, and also enforcement of restitution rights for victims.

6. Training is conducted for law enforcement officials and Human Resources Service Providers in 34 provinces and 514 districts/cities, including social workers providing legal aid services (paralegals) and assistants in handling domestic violence, both at the central and regional levels related to the management of handling cases of domestic violence. Additionally, capacity building was also given for the UPTD PPA and P2TP2A through training and certification of mediators.

7. To increase awareness of women's rights against the dangers of trafficking in persons (TIPs), the MoWECP has compiled various information, education, and communication (IEC) materials (print & audio-visual media) for the community and local stakeholders. Moreover, the MoWECP Regulation No.11/2012, is implemented in the establishment of TIP community awareness program in 502 villages in

52 districts/cities throughout Indonesia, and also appointed 2.712 agents of change in the community, until 2019. The MoWECP, through its regional offices in each province, also has organized capacity building in handling TIPs for LAW.

8. Financial Transaction Reports and Analysis Centre/*Pusat Pelaporan dan Analisis Transaksi Keuangan* (PPATK) together with FIU Australia (AUSTRAC) and Asia Pacific Group on Money Laundering (APG-ML) organized Human Trafficking and People Smuggling Workshop in April 2019 in Bandung. The workshop involved 70 participants from various countries in the Asia Pacific and involved the private sector and Non-Profit Organization (NPO)/NGOs. The workshop discussed the financial flow in the TIP cases, the challenges of the mechanism for handling TIP, and recommendations on a paradigm shift for handling modern slavery cases. This activity takes a strategic and tactical approach at the operational level and covers major issues regarding partnerships, intelligence activities, and investigations.

Impact of the pandemic on women's rights and gender equality

Reply to Question No. 2

9. Indonesia has established various human rights-based policies to overcome the spread of COVID-19 pandemics.

10. The Government has taken various efforts to prevent the impact of the COVID-19 pandemic to vulnerable groups, especially women and children, including:

(a) Provision of communication, information and education material on prevention and treatment of COVID-19 for children and women to be disseminated through print, electronic and social media;

(b) Provision of the specific needs of women, children and the elderly affected by COVID-19, as well as assistance for women and children needing special protection including victims of violence;

(c) Provision of social protection and economic empowerment for women during the COVID-19 pandemic, including the provision of personal protective equipment (PPE), the facilitation of delaying loan repayments for poor women of Mekaar customers, and the facilitation of women entrepreneurs in capacity building, capital assistance funds rolling for business development and the availability of raw materials;

(d) Mobilize the offices of MoWECP at local level to focus on aspects of preventing and controlling the spread of COVID-19 for women and children, as well as creating a joint program to protect families or the #Berjarak Movement;

(e) Issuance of 5 (five) Cross-Sector Health Protocols for Children Needing Special Protection, namely: children victims of violence, children with disabilities, children who are faced with the law, and children who need temporary/replacement caregivers during the Covid-19 pandemic. Emphasis is given to the provision of online services, but offline services remain and can be accessed by implementing a health protocol, especially when children need assistance in the rescue action or court access, education and health services;

(f) Provision of psychological assistance for women and children during the emergency of the Covid-19 pandemic, the Government is collaborating with professional institutions and business actors to provide mentoring services that can be accessed online and offline through the Mental Health Assistance Service for Women and Children (Sejiwa).

11. The government also issued several policies to support the purchasing power of the public and the business community with a fund of Rp. 700 trillion. As much as Rp. 203.9 trillion, or 29.3 per cent of the total government support budget, is intended for social protection programs, and Rp. 37.4 trillion through the Family Hope Program (PKH) and Rp. 43.6 trillion through the Staple Food Program. The PKH program targets 10 million families (previously 9.2 million families), while the Staple Food Program targets 20 million (previously 15.2 million). During a pandemic, the government increases the value of the benefits of the two programs. The value of assistance per family from PKH increased by 25 per cent, while the Staple Food program increased by 30 per cent. During the pandemic, both aids can be disbursed from April to December 2020.

12. Both programs are targeting women. First, women are holders of cards Beneficiaries (KPM), a card to access both programs. Second, the program is designed for female family members. The program's benefits increase women's position in control and bargaining power in allocating aid funds within households. A study by SMERU on both programs has shown that PKH and the Staple Food Program contribute as safety nets and assist women to minimize the impact of the pandemic. In particular, the PKH program has helped women to get cash, while the Staple Food Program has enabled women to manage variations in consumption and nutritional adequacy of their families. Moreover, despite persisting problems, the study shows that both programs have made a positive contribution to spending on food needs for 20 per cent of the poorest in Indonesia.

13. The government, through the MoWECP, noted the studies, reports and recommendations from various institutions (including SMERU, PEKKA, Kalyanamitra, the Indonesian Women's Coalition, Sapa Institute, and the Head of the Centre of Nasyyatul Aisyiyah), on the challenges faced in the implementation and distribution of the social assistance (the PKH and Staple Food programs) with regard to data, effectiveness and accuracy in targeting the community. In this context, the government is committed to continuously improve the program and policies to better address the impact of COVID-19, especially for the vulnerable groups.

14. The government, through the Ministry of Cooperatives and SMEs (MoCSMEs), also provides stimulus to micro enterprises, both men and women. The stimulus was in the form of working capital assistance (grants) for the Productive Micro Business Banpres (BPUM) with a value of Rp. 2.4 million per UKM. As of 6 October 2020, 9,109,968 micro businesses (75.92 per cent) of the target of 12 million micro businesses, have benefited from the program. The total budget realization for this stimulus reached Rp. 21,863,923,200,000. The SMEs which received the BPUM include informal SMEs that have already obtained business permits, for example baskets of jamu gendong and UKM engaged in the food sector.

15. During this pandemic, particular attention is also given for women micro-entrepreneurs. The MoWECP in collaboration and coordination with stakeholders has made several activities, among others:

(a) Increasing the capacity of women micro-entrepreneurs assisted by women's non-governmental organizations, such as PEKKA, ASPPUK and Kapal Perempuan in utilizing information and digital technology through online training, and webinars;

(b) Empowering women's groups of micro-entrepreneurs in mask manufacturing as a temporary alternative to their economic businesses affected by Covid-19; and

(c) Submitting data on women micro business actors from the community organizations and local governments (provincial and district/city of MoWECP

offices) to ministries/institutions to facilitate economic recovery programs, such as the Assistance for Micro Businesses from the MoCSMEs.

Constitutional and legislative framework

Reply to Question No. 3

16. The government continues to strengthen the constitutional and legal framework to promote and protect women's rights. We have established a mechanism to ensure that by-laws are in line with the national regulations, and integrating the values and principles of human rights. The mechanism is carried out through three methods:

(a) Judicial reviews through the Constitutional Court and the Supreme Court. Judicial reviews conducted by the Constitutional Court aim to review national laws in contradiction with the Constitution. The judicial reviews conducted by the Supreme Court are for regulations that are lower than laws, including Local Government Regulation/*Peraturan Daerah* (Perda). The Supreme Court can accept, assist, or reject a request after reviewing, among other things, whether or not a Local Government Regulation is against national law or whether the making of Local Government Regulation is inconsistent with existing laws and regulations;

(b) Legislative review through the National House of Representative (DPR) or Local House of Representative (DPRD). The House of Representatives can take appropriate legislative steps to amend and repeal laws and regulations that conflict with national law;

(c) Executive review. Based on the Ministry of Home Affairs (MoHA) Regulation No. 120/2018, the MoHA and the Governor still have the authority to cancel regional head regulations that are inconsistent with existing laws and regulations on it, including in this case the laws and regulations in the field of human rights.

17. In addition, the MoLHR Regulation of the No. 24/2017 on Guidelines for Human Rights Content in the Formation of Laws and Regulations and technical guidelines for their implementation, also ensures that the process of drafting bills should be in line with existing regulations and the human rights principles. This kind of process has been implemented as mandatory since 2018.

18. The MoLHR also continuously reviews and follows up complaints made on by-laws that are intolerant and/or discriminatory to women. Through a series of reviews with other Ministries and related stakeholders (including NHRIs and CSOs), the MoLHR has identified by-laws that are not in line with national regulation and intolerant/discriminatory, which need to be revised. There are 85 (eighty-five) by-laws that are still valid, 1 (one) has been revised, 8 (eight) has been revoked, and 28 (twenty-eight) have still been reviewed. The by-laws are related, among others, to immoral acts, and by-laws on education, culture, public order, agrarian, as well as on children and women.

19. Additionally, as part of the Mid-Term National Development Plan (RPJMN) of 2020–2024, the Government establishes a *Centre for National Legislation* to assure that the laws and by-laws do not overlap each other and are non-discriminatory. It is established based on Law No 15/2019 on the Amendments to Law No. 12/2011 concerning the Establishment of Regulations.

20. With regards to the draft Bill on Gender Equality and Justice (KKG), the MoWECP with various ministries/institutions as well as CSOs, women organizations, corporations, and universities, have conducted consultation and discussion to prepare the academic paper and the draft bill. This process has been done from March to

November 2019. Public discussions on the bill have been organized in five provinces, namely North Sumatra, West Nusa Tenggara, East Kalimantan, South Sulawesi and East Java. Moreover, the draft Bill on Gender Equality and Justice has been included in the long list of the National Legislation Program/*Program Legislasi Nasional* (Prolegnas) 2020–2024.

21. The Government of Indonesia continues to identify and review national regulations and policies, including the Criminal Code (KUHP), as well as sub-national regulations and policies for consideration of harmonizing all regulations with internationally recognized human rights principles. The Government continues to optimize the implementation of the Gender Equality Parameters (PKG) which was issued by MoWECP in 2012. The aim of the Gender Equality Parameters is to provide guidance in the legislation drafting process, to ensure gender responsive legislations. In 2020, MoWECP further simplified the guidelines and parameters for better understanding and implementation to increase non-discriminatory laws against women.

22. To ensure the draft of the Criminal Code Bill does not discriminate women, MoWECP and MoLHR have conducted a review and a study based on the 1945 Constitution of the Republic of Indonesia, Law No.7/1984 on the Ratification of CEDAW, as well as other relevant national legal frameworks. MoWECP, with the input from NHRIs and NGOs', also conducted a more comprehensive research on every article related to vulnerable groups' rights, including women's and children's rights. The MoWECP and MoLHR also welcome and will follow up in the near future, the recommendations from the National Commission on Violence Against Women/*Komisi Perlindungan terhadap Kekerasan Perempuan* (Komnas Perempuan) and some women's NGO to establish a special taskforce to process of the Criminal Code revision, to ensure gender sensitivity.

National machinery for the advancement of women

Reply to Question No. 5

23. MoWECP facilitates and coordinates efforts to promote gender mainstreaming in ministries/institutions and local governments. MoWECP's mandates are not limited to gender equality promotion but also include child protection tasks. Therefore, the government is committed to increasing the capacity, scope of work and quality of the MoWECP in improving the quality of life for women and children. The budget and human resources of MoWECP are gradually increasing. However, in 2019 the number of staff have decreased to 336 and declined further in 2020 to 331 due to retirement and resignation.

24. MoWECP has enacted Organization and Work Procedure through MoWECP Regulation No. 4/2020 on August 4th 2020. Referring to Presidential Regulation No. 65/2020 on the Ministry of Women Empowerment and Child Protection, it stipulates the nine functions of MoWECP, two of which are new operational functions:

(a) Provision of final referral service for women victims of violence requiring provincial, national, and international coordination;

(b) Service provision for children requiring special protection needing national and/or international coordination.

25. The MoWECP has regularly held National Coordination Forum/*Rapat Koordinasi Nasional* (Rakornas) with its provincial and district/city level units to harmonize programs and plans, as well as to assure sufficient funding are identified and planned for implementing their mandates.

26. the MoWECP can delegate part of its duties, functions and authority to the Regional Government (the Governor) as the representative of the central government in the regions when deemed necessary. Such delegation is financed by Deconcentration funds sourced from the State Budget (APBN). Thus, Deconcentration funds are designed to accelerate the achievement of program goals and targets, as well as to achieve the 2020 Government Work Plan targets, including to improve quality of life for women and children as well as strengthening the institutional capacity of gender and children's mainstreaming. The government has allocated Rp 60 billion of Deconcentration funds in 2019. Additionally, the government plans to allocate special funds/*Dana Alokasi Khusus* (DAK) in 2021 to provide better services and protection of women and children.

National human rights institution

Reply to Question No. 6

27. In Indonesia, NHRIs consist of the National Commission on Human Rights, the National Commission on Violence against Women and the National Commission on Child Protection, as well as the Ombudsman of the Republic of Indonesia (ORI) and the Victim and Witness Protection Agency (LPSK).

28. The National Commission on Human Rights is an independent institution whose function is to carry out studies, research, counselling, monitoring and mediation of human rights. It also has the mandate to investigate gross human rights violations and monitor all forms of efforts to eliminate racial and ethnic discrimination. These mandates are stipulated in Law No. 39/1999 on Human Rights, Law No. 26/2000 on Human Rights Courts, and Law No. 40/2008 on the Elimination of Racial and Ethnic Discrimination.

29. The National Commission on Violence Against Women/*Komisi Perlindungan terhadap Kekerasan Perempuan* (Komnas Perempuan) was established through Presidential Decree No.181/1998 and further reinforced by the Presidential Decree No. 65/2005. It is a state institution, but does not belong to the executive, legislative or judicative. It is an independent and impartial body that has the authority to monitor and give advice to promote women's rights, as well as to develop an enabling environment towards the elimination of all forms of VAW.

30. The structure of the National Commission on Violence Against Women consists of: a) Plenary Commission; b) Heads of the Commission; c) Sub-commission; d) Ethics Council; and e) Secretariat General. The financial resources of the National Commission on Violence Against Women come from State Budget, and other sources from within or outside the country that are not binding and in accordance with the vision and the mission, as well as the prevailing laws and regulations.

Temporary special measures

Reply to Question No. 7

31. The MoWECP has carried out a capacity building program aimed at women legislative candidates and elected women legislative members, throughout 2019. In Papua and West Papua, especially, steps were taken by increasing the capacity of women members of political parties and CSOs about the importance of women representation in political leadership in the parliament and executives. The capacity development training was held to improve the understanding, knowledge and skills about practical politics, campaign strategies and leadership development. The training

is also intended to motivate prospective women candidates of parliamentarians and head of executives to nominate themselves. In the period leading up to the 2019 Election, the MoHA has signed a Memorandum of Understanding (MoU) with the MoWECP to hold a Training of Facilitators (ToF) to create facilitators with equitable gender values in political issues.

32. Law No. 7/2017 on Elections requires 30 per cent women's participation in determining the list of candidates for the National and Local House of Representative, in the management of political parties at the central level (as one of the requirements for political parties to participate in elections), and in the composition of members of the General Election Commissions/*Komisi Pemilihan Umum* (KPU) and General Election Supervisory Agency/*Badan Pengawas Pemilihan Umum* (Bawaslu) at the central, provincial and district levels.

33. In terms of political education for women, the government has carried out a series of political education activities for around 1,000 women in several regions, including Banten, West Java, Jakarta, Central Java, Bali and Yogyakarta.

34. In 2020, MoWECP together with several central government agencies, research institutes and CSOs that are concerned with women's political rights, such as the Indonesian Women's Political Caucus (KPPI), and Perludem and Puskapol UI, have prepared a Grand Design for Increasing Women's Representation in the Legislative Assembly for the period up to 2030. This Grand Design contains strategies and steps to increase women's representation which are detailed into an action plan and categorized into 3 periods, namely before the election, during the election and after election.

35. MoWECP has also reactivated the Women's Political Working Group (Pokjapol), a discussion forum for political women, to encourage affirmative policies to enter the process of formulating policies, regulations and legislation in the political field, for example in the Revision of the Political Party and Election Law. This forum consists of various elements of women in politics, including CSOs and research institutions such as the KPPI, the Women's Parliamentary Caucus of the Republic of Indonesia (KPP-RI), the MPI, the LIPI Political Study Centre and the UI Puskapol.

36. Efforts to encourage increased women's participation and representation in politics have also been made at the rural level. The MoWECP has made the Rural Women's Leadership Training activity initiated by women's NGOs (PEKKA and Kapal Perempuan) as national priority. This training activity is aimed at developing and increasing rural women's political participation in the decision-making process, as well as women's representation in village political institutions. Material on women's leadership, skills in group organizing, advocating and managing village governance as well as gender responsive planning and budgeting (PPRG) are given to the women village heads, women village leaders, and women in community institutions. In 2020, this Rural Women's Leadership Training will be conducted in 5 provinces (10 districts) and will continue to be carried out annually, so that all provinces can be covered in 2024. To maintain the sustainability of the process of mentoring these training graduates, in 2020, the MoWECP together with PEKKA and Kapal Perempuan have developed a Rural Women Leadership Training Strategy.

37. Additionally, the Law No. 16/2014 and its derivative regulations guarantee women's political participation in rural areas, the right of village women to run and be nominated as village heads and members of the village legislative body. Below are some of the efforts, policies and regulations to encourage women's representation in rural areas:

- Women's representation in the Village Consultative Body (BPD), in accordance with Government Regulation No. 43/2014 on the Implementation Regulations of Law No. 6/2014;

- Priorities and focus on the Use of Village Funds for Achieving SDGs, one of which is the involvement of women in villages, according to the Village Regulation, Development of Disadvantaged Areas and Transmigration No. 13/2020 concerning Priority for the Use of Village Funds;
- Encouraging women to become one of the stakeholder elements in Village Forum based on the Ministry of Villages, Development of Disadvantaged Areas (MoVDDAT), and Transmigration Regulation No. 16/2019 concerning Village Forum.

Stereotypes and harmful practices

Reply to Question No. 8

38. The issuance of the Ministry of Health (MoH) Regulation No. 6/2014, mandated the Advisory Council of Health and Islamic Teaching to publish guidelines on FGM/C to ensure the safety and hygiene and prevent female genital mutilation. Female circumcision is practised primarily due to widespread beliefs that it is a religious requirement as well as an inter-generational tradition.

39. In this context, the abolition of female circumcision in Indonesia needs religious and cultural support, and the policy and legal framework should align with a broader human rights agenda. Therefore, the MoWECP together with the MoH, the Ministry of Religious Affairs (MoRA), the Ministry of Communication and Information (MoCI), Professional Institution (IBI, IDI, IDAI and POGI), faith-based organization such as *Nahdlatul Ulama* (NU), *Muhammadiyah*, MUI, *Dewan Masjid Indonesia* (DMI), Indonesia Women Ulama Congress (KUPI), intensify targeted advocacy and awareness-raising for community leaders, in particular religious communities, on the issue. The MoWECP will actively monitor the FGM/C and continue its consultation with the relevant stakeholders on this matter.

40. The Police Headquarter has excluded items within health check requirements since the enactment of Police Head's Decision No. 7/2016 Health Assessment for Recruiting Members of Police Force of the Republic of Indonesia and Police Head's Decision No.1115/X/2016 on Health Assessment for Recruiting Members of Police Force of the Republic of Indonesia.

41. The admission test for female and male National Armed Forces (TNI) soldiers candidates is in accordance with the Regulation of Indonesian National Armed Forces Commander (*Peraturan Panglima TNI/Perpang*) No. 31/2019 on amendments to Perpang No. 6/2016 concerning the provision of TNI voluntary soldiers, including examinations for administration, health, mental ideology, physical fitness, psychology, academics and election trials. Instead of virginity test, a reproductive health examination aims to ensure the physical and mental health of prospective soldiers is conducted prior to military education. No female TNI candidate fails recruitment test due to virginity issues, because reproductive health examination result will be combined with general and mental health results.

Gender-based violence against women

Reply to Question No. 9

42. The Government of Indonesia recognizes the need for a systematic solution to ending VAW. In specific, the government assures to stop cases of violence to happen, to put the respective cases into court and to protect survivors based on human rights

principles, non-discriminatory, and offers protection of victims and witnesses. On the implementation of Law No. 23/2004 on the Anti Domestic Violence, the government commits to translate the law into some measures, including policies on stopping domestic violence; coordination and cooperation; communications, information and education (IEC); awareness raising and advocacy, capacity development, education and training, and setting up gender sensitive service standards.

43. Through the MoWECP Regulation No. 4/2018 on Guidance on the Establishment of Regional Technical Implementing Unit on the Protection of Women and Children, UPTD PPAs are established by local government to manage and deliver services, including special protection to victims and/or survivors of violence against women and children. Thus, the establishment of the UPTD PPA at the provincial, district/municipal, and village level in Indonesia is critical.

44. The MoWECP also promotes the establishment of community based integrated services for protection of women and children (PATBM) and assumes women activists, as longer arms of the government, to manage the PATBM and to prevent and early detect any forms of violence cases at the village level. In the province of West Papua, for example, there are two PATBMs established in Sorong city and in another two villages in Manokwari City.

45. To build monitoring mechanism in assuring the implementation of Law No. 23/2004 on Anti Domestic Violence and other relevant laws to protect cases VAW, the MoWECP noted on the recommendation of the National Commission on VAW to reconsider the operation of formerly established Integrated Justice System for Women Victim of Violence (SPPT KTP). Such a system is expected to assure the fulfilment of the rights of women and children in the criminal court for justice and in the recovery process through the civil court. Additionally, the Government has put the draft Sexual Violence Bill as one of the priorities in the National Legislation Program (Prolegnas) of 2021.

Reply to Question No. 10

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

47. The UPTD PPA 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 centres; e) to mediate; f) to accompany survivors. It is expected that the UPTD PPA will closely work and coordinate with the community health centre (PUSKESMAS), hospitals, and other health services, police force, prosecutors' 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.

48. The Regional Office of MoWECP in West Papua has done awareness raising activities on the importance of the establishment of UPTD to all districts 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.

Trafficking and exploitation of prostitution

Reply to Question No. 11

49. On TIP law enforcement efforts, the government has several provisions, namely (1) Article 297 of the Criminal Code stipulating the prohibition of trafficking in girls and boys as a crime; (2) Article 83 of the Child Protection Law stipulating the prohibition of trafficking, selling or kidnapping children for themselves or for sale; and (3) Law No. 21/2007 regulating in more detail the criminal sanctions on the perpetrators of TIPS. For a child victim, law enforcers also refer to Law No. 14/2009 concerning the Ratification of the Palermo Protocol.

50. At the regional level, Indonesia advances efforts and best practices to prevent and tackle TIP through the Bali Process mechanism concerning people smuggling, human trafficking and related transnational crimes. Progress at the regional level has been followed up with the issuance of gender sensitive guidelines for the treatment of TIP women victims. As an implementation of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) Work Plan 2012–2016, it includes the protection of trafficked women starting from the process of identification through to their recovery and integration.

51. The MoWECF Regulation No. 22/2010 mandates P2TP2A to become a reference for TIP victims. Meanwhile, the Integrated Service Centre (PPT) at the provincial level is also a reference for the District/City level of PPT that cannot provide further recovery services, including for referrals for returning victims from Indonesian representatives abroad. For legal assistance, the service agency involved law enforcement officials in charge to issue application letter for protection to the Witness and Victim Protection Agency (LPSK) for the process of fulfilling procedural, psychological, and restitution rights. Equipped with the letter, the LPSK will conduct an assessment to determine the assistance needed by the survivors.

52. Law enforcers carry out investigations with reference to Law No. 21/2007. To be categorized as TIP, an incident must meet at least one element of each of the Process, Method and Objectives criteria. If the victim is a child, fulfilling at least one element of each of the Process and Objectives criteria is deemed sufficient.

53. The consent of the victim is not necessary if one of the methods above has already existed. If all the evidence has met, it will be submitted to the Prosecutor's Office. Law enforcers (Bareskrim/Police) or victim assistants can apply for victims to the LPSK as Protected (for witnesses and/or victims). The requirement for this submission is that there is an ongoing legal process (for a case). After that, the LPSK will conduct an assessment for the victims to determine if the protection needed for the victims.

54. In the process of verification of evidence, coordination and integration with investigators is intensified to direct investigations in presenting all data and facts required at the prosecution stage. This is also based on the Instruction of the Attorney General of the Republic of Indonesia Number INS-004/JA/1994 dated March 9, 1994.

55. Simultaneously, LPSK also calculates restitution which can only be filed if the case is legally declared a criminal case of TIP. Sentencing for TIP cases includes restitution in the decision by taking into account: compensation payments; charged to the perpetrator; based on a court decision that has permanent legal force; for material and/or immaterial loss; suffered by the victim or his heirs. The calculation of the amount of restitution is only carried out by the LPSK. Meanwhile, the steps taken by the Judge and the decision on restitution are based on: Article 1 number 13 of the TIPS Law Article 48.

56. Other referral regulations regarding restitution are Supreme Court Regulation No. 13/2017 on the Guidelines for Adjudicating Cases of Women in Confrontation with the Law; Government Regulation No. 7/2018 on Compensation, Restitution and Assistance to Witnesses and Victims; Government Regulation No. 43/2017 on the Implementation of Restitution for Children who are Victims of Criminal Acts.

57. P2TP2A has increased service coverage for women victims of violence across 34 provinces and 390 districts/cities in which 36 are ISO-9001 certified. This is coupled with the presence of the Mobile Protection of Women and Children (MOLIN and TORLIN) to carry out prevention and handling of cases of violence in 34 provinces and 209 districts/cities. The revitalization of the functions of the Task Force for Prevention and Handling of TIP and service institutions/units (PPT, P2TP2A, RPTC, RPSA,) in the regions is expected to improve the work of handling TIP.

58. To improve the quality of recording and reporting services, the online application of the Information System for the Protection of Women and Children/ *Sistem Informasi Perlindungan Perempuan dan Anak* (SIMFONI PPA) is implemented. It ensures that data on cases of violence reported online is accessible by all service units for victims of violence at the national, provincial and district/city levels in real time and accurately.

59. The government has received reports from National Commission of Violence Against Women, various women's NGOs, and the TIP Task Force regarding the increasing trend of transactions and cases of online-based sexual trafficking cases. Therefore, the MoCI has joined the Task Force to be more effective in responding to problems and making follow-up actions in handling cases of violence against women in prostitute exploitation.

Human rights defenders

Reply to Question No. 12

60. Public participation in the implementation of human rights in Indonesia is guaranteed by the Constitution. The dynamic of democracy in Indonesia has created a conducive environment for people to participate actively and constructively and contribute to the efforts to fulfil human rights for everyone.

61. Women human rights defenders entail broad definition, including those in the frontline of service providers. During COVID-19 pandemic, the MoWECF recognized the monitoring reports of several women's NGOs related to the need for better attention from the Government in providing personal protective support from COVID-19 for women human rights defenders. In this regard, the MoWECF and UNFPA, jointly, provided personal protective equipment package (PPE) for 120 P2TP2A frontliners in DKI Jakarta Province and also 290 P2TP2A frontliners in 58 service provider forum members for violence against women across Indonesia.

Gender-based violence against women in conflict and post-conflict situations

Reply to Question No. 13

62. The government developed a National Action Plan for Women Empowerment and Child Protection in Social Conflict (RAN P3A-KS), focusing on the aspects of prevention, advocacy and awareness raising to the community, as well as empowerment, especially women's economic empowerment in social conflict.

63. In addition, the RAN P3A-KS was prepared to increase women's participation as agents of change and subjects in national development. In the RAN P3A-KS mechanism, the MoWECF as the Secretary of the P3A-KS Working Group, is mandated to increase the understanding of relevant parties, both at the national and regional levels through a series of initiatives, among others to include formulating P3A-KS policies, conducting dissemination of P3A-KS working groups in the regions, and carrying out advocacy towards decision makers in the regions.

Reply to Question No. 14

64. Regional Police (Polda) of Papua and West Papua have processed all reports of reported cases of sexual violence against women and children and followed up with appropriate provisions, in cooperation with the Regional Office of MoWECF to provide comprehensive protection and recovery of the victims through the P2TP2A services. All the women victims of violence in Papua are protected and restored, in accordance with the rights mandated by laws.

Nationality

Reply to Question No. 15

65. The Government commits to assure the fulfilment of the child's rights to citizenships, as regulated by Law No. 39/1999 on Human Rights, Law No. 23/2002 on Child Protection and Law No. 12/2006 on Citizenship. The Government targets that all children aged between 0 to 18 years are registered and own birth certificates through the implementation of the National Program for the Children of Indonesia 2006–2015.

66. Law No. 24/2013 on Amendments to Law Number 23 of 2006 on Population Administration regulates the Management and issuance of Population Documents free of charge as stated in article 79A. Any officials who instructs and/or facilitates and/or collects fees from residents in the processing and issuance of Population Documents will be subject to criminal penalties, as stated in Article 95B.

67. Law No. 24 of 2014 on Civil Administration has streamlined the bureaucracy and provided wider access for citizens to obtain all civil documents. It was therefore determined that there were no administrative fees and instructed civil registry officers at all levels to provide equal and professional services to all citizens without distinction in obtaining civil documents.

68. The government has succeeded in increasing the number of children with birth certificates. In 2014, there were only 32.25 per cent of children with birth certificates, while in 2019 the number of children with birth certificates increased to 90.56 per cent or the equivalent of 73,747,735 children. Coverage of the birth certificate continues to be a priority in the RPJMN 2020–2024. By 2024, the government aims at 100 per cent birth certificate ownership nationwide.

69. Various regulations have been made as part of national strategies to expand access to birth certificate, among others:

(a) MoHA Regulation No. 9/2016 on the Acceleration of the Coverage of Birth Certificates;

(b) MoHA Regulation No. 108/2019 on Term and Procedures in Obtaining Population and Civil Registration;

(c) MoHA Regulation No. 96/2019 on Population Documents for Vulnerable Population;

(d) MoHA Regulation No. 7/2019 on Online Population Administration Services.

70. To provide wider access to services, the government has established civil registry offices in 34 provinces, 416 districts and 98 cities across Indonesia. Also, the Government, through its Embassies and Consulates abroad, has improved services for Indonesian children, including the children of Indonesian migrant workers, among others, to ensure access for Indonesian children to obtain birth certificates.

71. To ensure issuance of child birth certificates, the MoWECF since 2012 has carried out advocacy programs for various government agencies. For the efforts of various government agencies in increasing access to and coverage of birth certificates, the MoWECF is rewarding local governments for their efforts to accelerate the ownership of birth certificates for children.

Education

Reply to Question No. 16

72. To ease and widen the scope and area to reach victims of violence, including girls and young women in educational institutions, Indonesia have created SIMFONI PPA. The system is connected online to the UPTD PPA, P2TP2A, Police Units, and Healthcare facilities throughout Indonesia. It has improved the availability of up to date, real time, and accurately reported VAW cases, which is accessible to all Women and Children Service Units/*Unit Pelayanan Perempuan dan Anak* (UPPA), at provincial and regency/city levels.

73. Furthermore, to strengthen its effort in eradicating violence in educational institutions, the Government of Indonesia has implemented the Child Friendly Schools (*Sekolah Ramah Anak/SRA*) program since 2016 in 323 districts/cities and 34 provinces providing training for educators and education personnel, and personnel from other related agencies, as well as students in schools and *madrasas* (Islamic Schools). In addition, the Government has strengthened the capacity of teaching staff and education personnel through positive discipline training, to prevent violence against children in the education environment.

74. The implementation of inclusive education is guaranteed by Law No. 8/2016 on Persons with Disabilities and Regulation of the Minister of Education and Culture No. 70/2009 on Inclusive Education.

75. Furthermore, the Government issued Government Regulation No. 13/2020 on Adequate Accommodation for Students with Disabilities emphasizing the provision of adequate accommodation at all channels, levels and types of education, both inclusive and special. This regulation also facilitates the provision of adequate accommodation for students with disabilities, at least through the provision of budget support and/or funding assistance, provision of facilities and infrastructure, preparation and provision of Educators and Education Personnel and curriculum provision.

76. Furthermore, Special Needs Schools and inclusive schools in all education levels are provided across Indonesia. Based on Basic Education Data (Dapodik) from the Ministry of Education and Culture (MoEC), in February 2020, the number of students with disabilities in inclusive schools was 28,778, with details of 17,558 students at the elementary school level, 7,229 students at the junior high school level, 2,016 students at high school level and 1,975 students at the vocational high school level. School infrastructure, special assistance to students with disabilities and special

needs, as well as Braille version exam/test paper and books are accessible. The Government of Indonesia also linked inclusive education and the employment market by working together with private sectors that provide employment and job quota for persons with disabilities. In addition, the Child Friendly Schools program also ensures inclusive education for all, including accessibility and infrastructure for children with disabilities.

Reply to Question No. 17

77. Indonesia continues its effort to revitalize vocational education and training. It is reflected in Presidential Instruction No. 9/2016 on the Revitalization of Vocational High Schools, aims to improve the quality and competitiveness of human resources in Indonesia, as well as to prepare a roadmap of labour demand for vocational high schools. The government also focuses on vocational training, i.e. triple skilling program (skilling, upskilling and reskilling) through *Balai Latihan Kerja/Vocational Training Centres (BLK)*. BLK has engaged male and female participants to participate together in their training programs. Female participants, for example, were involved in BLK mechanics, while male participants were actively involved in BLK culinary and sewing programs. This is aimed at optimizing the BLK service facilities equally, especially for women and young women to develop skills in the field of work and be able to pursue jobs in sectors historically dominated by men, such as the service sector, trade and innovation.

78. In addition, the MoWECF has developed a women's empowerment program at the village level through the Women's School/*Sekolah Perempuan*. It aims in building women's capacity to take advantage of the situation, conditions and developments in their area, and to access development programs in their areas for the welfare of their families and communities. This Women's School is not a formal education, but has a curriculum and learning methods that are complemented through modules which covers gender, women and culture, sexual and reproductive health, public health, and the economy. The role of Women's School is further strengthened through the issuance of the Guidelines for the Empowerment of Women in Villages by the MoVDDAT in 2020. In addition, the Government is also in the process of preparing a National Roadmap for Women's Schools.

79. Indonesia has also been successful in improving gender equity and equality. The enrolment rates of girls and boys at all levels of education are insignificantly different. It is reflected in the student data from Basic Education Data (Dapodik) of the MoEC in 2020 (Table 1).

Table 1
Student Enrolment Data in 2020

Type of School/Education	Number of Student		Total
	Male	Female	
Primary School (SD)	12.779.585 (52,16%)	11.723.542 (47,84%)	24.503.127
Junior High School (SMP)	5.137.067 (51,35%)	4.867.076 (48,65%)	10.004.143
Senior High Schools (SMA)	2.234.520 (44,97%)	2.734.448 (55,03%)	4.968.968
Vocational Senior High Schools (SMK)	2.989.679 (57,82%)	2.181.349 (42,18%)	5.171.028

Employment

Reply to Question No. 18

80. The Job Creation Law, or better known as the Omnibus Law, is part of efforts to revive the national economy, in particular by promoting economic transformation, to create new employment for the community. This law was prepared by prioritizing the needs of the broader community by providing facilities for opening up new businesses and expanding businesses including for MSEs and cooperatives. The Omnibus Law guarantees good working time arrangements, minimum wages, severance pay and compensation for workers. In addition, this law supports the government's efforts to eradicate corruption by simplifying, cutting, and integrating it into the electronic licensing system, in order to eliminate illegal levies.

81. The MoWECP, along with relevant stakeholders, engaged in monitoring and ensuring that the protection of the rights of women workers is guaranteed under this Omnibus Law. This law does not change or revoke the rights of women workers, as provided for in Law No. 13/2003 on Manpower, which includes:

- The rights to receive leave for childbirth, pregnancy, menstruation, miscarriage and breastfeeding;
- The provision of nutritious food and drinks, the provision of decent work and protection at work, the provision of transport for women workers who work overtime, the prohibition of employing pregnant women who, due to their pregnancy, risk their own lives and their fetuses;
- The prohibition on the dismissal of female workers who do not attend work on grounds of pregnancy, childbirth, miscarriage or providing breast milk to their children;
- The rights for women workers who provide breast milk to their babies and are supported by special facilities in the workplace or provision of lactation rooms;
- The obligation to provide protection to female workers for medical examinations, pregnancy and delivery costs through the registration of the health insurance program at BPJS.

82. Furthermore, the MoCSMEs has conducted Entrepreneurship training and Financial Literacy Training in various regions nationwide from 2015 to 2019. 31.260 entrepreneurs have benefited from this training, of which 15.442 or 49.3 per cent are women. For western Indonesia, 12.405 male entrepreneurs and 11.654 female entrepreneurs participated in this training. While for central Indonesia, 2.997 male entrepreneurs and 3.141 female entrepreneurs benefited from the training. For eastern Indonesia, 90 male entrepreneurs and 134 female entrepreneurs were involved. Specifically, for the West Papua region, 315 male entrepreneurs and 215 women participated in the training. Meanwhile, in the Papua region there are 24 female entrepreneurs and 11 male entrepreneurs.

Reply to Question No. 19

83. To protect women domestic workers, the Ministry of Manpower (MoM) has issued Regulation No. 2/2015 on the Protection of Domestic Workers to establish prerequisites for the adoption of the draft Bill on the Protection of Domestic Workers. In addition, the MoM also issued Regulation No. 18/2018 on Social Protection for Migrant Workers which includes: protection, life insurance and personal accident.

84. To further strengthen the normative framework for better protection for domestic workers, the draft Bill on Domestic Workers is currently being discussed in Parliament. The main points of the drafted Bill are, among others:

- The recognition of domestic workers' rights protection in accordance with applicable regulations and referring to various international human rights convention and ILO Conventions;
- The provision for the welfare of domestic workers as workers and citizens, including the right to education and training; and
- The protection and balance of employment relations between employers and domestic workers to prevent exploitation.

85. In the case of child labour, the Law No. 13/2003 on Manpower clearly prohibits employers or companies from hiring children (everyone under 18 years of age). As a state party to the ILO Convention No. 182/1999, Indonesia is also committed to eliminating all forms of slavery or practices similar to slavery, including children working in the domestic sector (domestic workers). In addition, Law No. 35/2014 clearly prohibits every person from placing, permitting, engaging in, ordering or participating in the economic and/or sexual exploitation of children. And those who commit violations will get a maximum imprisonment of 10 years and/or a maximum fine of Rp. 200,000,000.00 (two hundred million rupiah).

Climate change and disaster risk reduction

Reply to Question No. 20

86. Indonesia guarantees fundamental freedoms for civil, political, economic, social and cultural rights as stated in the Constitution, including the rights of remote “*adat*” communities (*Komunitas Adat Terpencil – KAT*) and their traditional rights.

87. The protection and empowerment of KAT in Indonesia is regulated in Presidential Decree No. 186/2014 on Social Empowerment for KAT. The purpose of the KAT empowerment program is to protect their rights as citizens, to fulfil basic needs, to integrate KAT with the broader social system and to achieve their independence. Program includes capacity building, such as life skills training, fulfilment of basic needs, mentoring, guidance and advocacy, facilitating the fulfilment of civil rights, initiating and developing alternative livelihoods, strengthening social harmony and accessibility to various other basic social services.

88. Such empowerment programs are carried out on the basis of recognition, respect, promotion and consideration of local wisdom values. Existing traditional values must be the perspective and foundation in planning and implementing the programs.

89. Policies under the President's Nawa Cita Program include the acceleration of Agrarian reform to ensure the rights to land and addressing many problems arose by agrarian conflicts. This policy is aimed at reducing poverty, creating jobs, improving access to economic resources particularly lands, restructuring inequality in control over the ownership, usage and utilization of land and agrarian resources, reducing 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, including women.

90. In 2015, Presidential Decree No. 17/2015 mandated the establishment of the Ministry of Agrarian Affairs and Spatial Planning (MoAASP) to formulate and implement policies in agrarian affairs and spatial planning, including land ownership and utilization. Since then, the MoAASP has issued Regulation No. 11/2016 on Land

Dispute Settlement. Until 2019, 22,424 cases were filed and 11,967 were resolved (53.36 per cent).

91. The Government Regulation No. 88/2017 stated that when a community has already lived for consecutive 20 years of period in a forest, they can apply for an Agrarian Reform Program (TORA). Alternatively, the community can institute their right to have permission for the Social Forestry (PS) Program, which is regulated through The Minister of Forestry Regulation No. 83/MenLHK/2016 concerning Social Forestry. Through this regulation, female and male farmers have equal rights to access over certification, with a guarantee to have the right to access and manage the land for 35 years and can be extended. Additionally, it provides assurance on the facilitation of mentoring, business development, and institutional development, with the principles of justice, participation, sustainability, certainty of law, and accountability.

Health

Reply to Question No. 21

Reproductive health in the rural area

92. In an effort to expand maternal service in remote areas, a policy on Maternity Waiting House (*Rumah Tunggu Kelahiran – RTK*) is put in place to provide a more proximate access for pregnant mothers to health service facilities. Pregnant mothers and their assistants can wait in RTK which is located 30 minutes away from the facility. RTKs are financed within maternity insurance.

93. The MoWECF in collaboration with MoHA, MoVDDAT, Ministry of Social Affairs (MoSA), and the National Population and Family Planning Agency have issued a Joint Decree about the Synergy of Programs and Activities to Protect Women and Children during the Corona Virus Disease 2019 (Covid-19) Pandemic. It is carried out in collaboration with Family Planning Offices, volunteers as well as community movements involving women and children network/forum at the village/district level.

94. The MoWECF has developed IEC materials related to maternal and children's health, especially on pregnant women and women in labour. The MoWECF also provides public education through Public Service Advertisements in collaboration with the Indonesian Community Radio Network which reaches 50 Districts/Cities in 20 Provinces, as well as various webinar activities which are widely accessible by the community.

Maternal Mortality Rate (MMR)

95. An effort to reduce maternal and child mortality rates is implemented by Childbirth Insurance Program/*Jaminan Persalinan* (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. The Government has also improved facility-based outreach service by increasing the quality and number of communities' PUSKESMAS which implement the Basic Emergency Obstetrics and New Born Care (BEmONC) and Comprehensive Emergency Obstetrics and New Born Care (CEmONC).

96. In 2016, 2,707 PUSKESMAS have implemented BEmONC and 650 hospitals across Indonesia have implemented CEmONC. The distributions of general practitioners, specialists, midwives, and paramedics, have increased through,

pre-service and in-services training. The Strategic Planning of 2020–2024 of the MoH promotes the use of a referral system between the Community Health Post and Hospital, including those with competence human resources for maternal services and strengthen the role of emergency services, both the basic and the integrated system.

97. Maternity Planning Program and the Complication Prevention Program (P4K) is one among Indonesia's efforts to accelerate progress on reducing MMR and neonatal mortality. In the P4K program, every pregnant mother is being identified on their due date, their assistants, location for maternity, potential blood donor, ambulance/vehicle for referral, and maternity savings. These measures are taken to avoid any delays in decision making and referral in case of emergency. Regional Health Office, PUSKESMAS, Hospitals and Blood Transfusion Units are in coordination to provide blood transfusion for mothers when required.

98. In addition, every PUSKESMAS must provide capacity building for their health personnel, including doctors, midwives, and nurses in responding to maternal and neonatal emergencies. An increased capacity for General Practitioners in maternal service is also essential, particularly for early detection and responses on pregnancy risks since the first trimester.

99. From 2018–2020, the MoEWCP executes various programs in an effort to raise awareness on MMR, among others:

- Mother's Care Movement (*Gerakan Sayang Ibu* – GSI) was integrated with other health development programs to increase community participation (2018);
- Gender-responsive activities by involving men in their preparedness to assist their wives in labour and breastfeeding (SIAGA and Breastfeeding Husband movement) and developing guidelines on increasing the role of men in reducing MMR through the HeForShe Approach, also involving various organizations and community groups (2018);
- Technical guidance to regional work unit personnel and leaders on Gender Responsive Planning and Budgeting to Increase the involvement of men in reducing MMR, as well as outreach programs through various IEC, Public Service Advertisements (2019–2020);
- “Berjarak” Movement to fulfil nutrition for pregnant women and develop Alternative Modules of Balanced Nutrition Intake for Pregnant Women, Baby, Adolescents, the Elderly during the Covid-19 Pandemic (2020).

Abortion

100. Law on No. 36/2009 on Health (Article 75) stipulates that abortion can be conducted under the following conditions:

- Health emergencies detected during early pregnancy which may threaten the lives of both mothers and fetus, resulting to irreversible genetic diseases or disabilities which will affect the life of the baby after birth;
- Pregnancy due to rape which pose psychological trauma of the victim.

101. The article is further elaborated in the Government Regulation No. 61/2014 on Reproductive Health in Article 31–39.

102. The MoH has also issued Regulation No. 3/2016 on the Training and Conduct Abortion Services on the Basis of Medical Emergency and Pregnancy due to rape. In addition, a Guideline of the conduct, as well as Revised Academic Literature on the Indication of Medical Emergency and Rape for Waiving Abortion Restriction are still developed by the Indonesian Society of Social Gynecological Obstetrics.

103. In 2021, a curriculum module on training and appointing health service facilities which provides abortion service on the basis of medical emergency and pregnancy due to rape will be developed.

Women and HIV in Papua and West Papua

104. According to the MoH Regulation No. 21/2013 on HIV/AIDS eradication, Article 24 (1), HIV testing in epidemic areas is recommended to everyone visiting health service facilities as part of service standards, which is also applicable in Provinces of Papua and West Papua.

105. Papua Province also followed up this recommendation by the issuance of Circular Letter by Head of Regional Head Office No. 800/0751 on 29 January 2019, on ARV initiation.

Mental Health

106. Indonesia specifically regulates mental health on Law No. 18/2014 to protect and guarantee a right-based mental health services and to provide an integrated, comprehensive and sustainable health services through promotive, preventive, curative and rehabilitative efforts. It is also part of services provided by Universal Health Coverage in both primary and specialized service, for Indonesian citizens, including for women.

107. As part of primary health services, training modules for PUSKESMAS doctors and health personnel is provided in accordance with WHO GAP Intervention Guide for mental disorders in non-specialized health settings. It sets guiding principles on right-based mental health service provisions.

108. The Government has actively campaigned for the elimination of stigma of persons with disabilities, in particular people with mental health issues, through training and education for 9000 health officers in 12 provinces with the highest number of mental health patients.

Health of Women with disabilities

109. Law No. 8/2016 on Persons with Disabilities Article 12 ensures the rights of health for persons with disabilities. Furthermore, Indonesian's National Action Plan on Human Rights 2020–2024 gives special attention to the promotion and protection of the rights of vulnerable groups including persons with disabilities. One of the focuses given to address the rights of persons with disabilities is to provide health services through a roadmap on inclusion.

110. The MoH has developed a program of stimulation, detection, early intervention for growth and development (SDIDTK) for children under five to detect early growth and development disorders in children. In addition, it is also developing hospitals as a reference for children's developmental disorders. Currently, 7.331 PUSKESMAS have implemented SDIDTK and 27 hospitals have been trained as referral hospitals for growth and development disorders.

111. The MoH has also published:

- (a) Guidelines on Children with Disabilities Health Services for Families (2015);
- (b) Guidelines on Children with Disabilities Health Services for Health Workers (2015);
- (c) Guideline on the Implementation of Reproductive Health Services for Adult Persons with Disabilities in 2017 and started its pilot project in Kulon Progo

District, Yogyakarta, and will be replicated gradually during the period 2021–2025 in 34 provinces.

Disadvantaged groups of women

Reply to Question No. 22

Women in correctional facilities

112. The MoLHR established Regulation No. 27/2018 Human Rights based public service as a guideline for its technical service units (UPT) to better improve the provision of services which respect, protect, fulfil and promote human rights, including for women in correctional facilities.

113. The main criteria set forth in this regulation is the provision of basic infrastructure for vulnerable groups in UPTs, such as accessibility, lactation room, health service, and provision of clean water. Special attention is given to correctional facilities, which require special services to be made available for inmates who are elderly, pregnant women, and persons with disabilities.

114. Currently the number of correctional facilities for women has increased to 33 from only 3 prisons previously in 2016. This effort was made to overcome the problem of overcapacity in the correctional facilities.

115. Furthermore, regarding special needs of women in correctional facilities and detention, correctional facilities provided sanitary napkins as stated in the explanation of Article 7 Paragraph (1)B PP No. 32/1999 concerning Terms and Procedures for the Implementation of Prisoners Rights.

Women in Papua and West Papua

116. The Government in its RPJMN 2020–2024 is committed to closing the disparity gaps across regions by transforming and accelerating developments in Eastern Indonesia, including Papua dan West Papua. Special attention is given to the expansion of basic services such as education and health, housing facilities and infrastructure, clean water and sanitation, and electricity. Connectivity through transportation and ICT infrastructure is also a crucial part as the basis for the digital economy.

117. To accelerate the development in Papua and West Papua, a customary region-based action plan is established to improve education and health services, local economy development, and connectivity to the central mountainous areas and other isolated areas with regard to the specific condition in the region. The Human Development Index in Papua increased from 57 in 2014 to 60 in 2018 and in West Papua from 61 in 2014 and 64 in 2018.

118. Currently the MoLHR through the Directorate General of Human Rights has Yankomas Posts in 427 districts/cities as access to report suspected human rights violations. The establishment of Communication for Community Services (Yankomas) Post was made with local wisdom. For example, in West Papua where complaints are made in the Church, because most of the people of West Papua are Christians.

119. The provincial government of Papua and West Papua have established more 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. More '*Pasar Mama*' services are expected.

Women and HIV/AIDS

120. Individuals with HIV/AIDS are guaranteed to access health facilities. HIV/AIDS treatment is among those covered by National Health Insurance in accordance with medical services standards. Presidential Decree No. 82/2018 on Health Insurance ensures the rights of its members to obtain individual health care services which include promotive, preventive, curative and rehabilitative services, as well as access to medication, health equipment and consumable tools according to individual's medical requirements, including for persons with HIV/AIDS.

121. Furthermore, accountability on public service, including health, is established according to the Government Regulation No. 40/2019 which stipulates the use of Single Identity Number for domicile-based public services as regulated in the MOHA Regulation No. 137/2017.

122. Indonesia provides free ARV as regulated by MoH Decision No. 1190/Menkes/SK/X/2004 on Free Anti-Tuberculosis Drugs and ARV for HIV/AIDS.

123. Assistance for persons with HIV/AIDS is stipulated in the MoSA Regulation No. 6/2018 on the National Standard for Social Rehabilitation of Persons with HIV/AIDS.

Women with disabilities

124. In addition to Law No. 8/2016 on Persons with Disabilities that recognizes the vulnerability of women with disabilities to multi-layered discriminations to which require continuous effort in addressing this issue (para 175 [CEDAW/C/IDN/8](#)), the Government of Indonesia enacted various regulations as its derivatives to ensure their access to basic services:

(a) Government Regulation No. 52/2019 on Social Welfare for Persons with Disabilities;

(b) Government Regulation No. 70/2019 on Planning, Implementation, and Evaluation to the Respect, Protection, and Promotion of Rights of Persons with Disabilities;

(c) Government Regulation No. 13/2020 on Decent Accommodations for Students with Disabilities;

(d) Government Regulation No. 42/2020 on Accessibility to Housing, Public Services, and Protection from Disaster for Persons with Disabilities;

(e) Government Regulation No. 39/2020 on Decent Accommodation for Persons with Disabilities in Judicial Proceedings;

(f) MoSA Regulation No. 21/2017 on the Issuance of Persons with Disabilities Card (currently under revision to accommodate inputs from disabilities organizations).

125. The MoWECF is also developing NAP specifically addressing women with disabilities as victims of violence. Efforts for awareness raising on the importance of the protection of women with disabilities is also part of government programs, including providing a centre for information and consultation for women with disabilities. The government is also in the process of establishing a national commission on disabilities.

Marriage and family relations

Reply to Question No. 23

126. Family relations are regulated by Law No. 1/1974 on Marriage. This law was revised for the first time through Law No. 16/2019 which revised the provision as stated in the Article 7 on the minimum age of marriage, from previously 19 years old for men and 16 years old for women, to 19 years old for both men and women. This revision is aimed at protecting children especially girls, achieving gender equity, and an effort to eliminate discrimination against girls as well as preventing child marriage.

127. This change also synchronizes with Law No. 23/2002 on Child Protection which regulates the definition of children, who is a person below 18 years old.

128. The Government is also establishing a more systematic effort by drafting Government Regulation on Procedures for Dispensation to further explain technically on how marriage dispensation should be carried out. This regulation is expected to ensure maximum effort in defining the purpose of marriage. The Komnas Perempuan reported the increase of dispensation during the pandemics of COVID-19, due to poverty. The MoWECF monitors such application of the marriage dispensation so that the best interest of children and their opinion shall be the main basis of considerations.

129. To gain a better understanding of early marriage and unregistered marriage, from the religious perspectives, the MoRA conducted research in seven provinces in collaboration with local NGOs on the implementation of the Marriage Law to identify steps that the MoRA will take to address these problems. MoRA is active in raising awareness about the negative impact of religious marriage. The National Family Planning Board also launched the Planning Generation (Genre) program which aims to provide an understanding of the maturity of marriage age so that they are able to carry out education levels in a planned manner, have careers in planned work, and marry in full planning according to the reproductive health cycle. This program is expected to shape the character of the nation by staying away from early marriage, premarital sex and drugs.