



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

Distr.: General  
27 July 2020

Original: English  
English, French and Spanish only

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions in relation to the eighth periodic report of Indonesia\*

#### Visibility of the Convention and its Optional Protocol

1. In the light of the Committee's previous concluding observations (CEDAW/C/IDN/CO/6-7, para. 12), please specify measures taken to raise awareness among women, including disadvantaged groups of women, about their rights under the Convention and about the complaints procedure under the Optional Protocol. Please also specify measures taken to provide systematic capacity-building or regular training to judicial personnel on the application of the Convention and the interpretation of national legislation in the light of the Convention.

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

2. Please indicate measures implemented by the State party in the context of the coronavirus disease (COVID-19) pandemic to redress long-standing inequalities between women and men by placing women at the centre of the recovery as an economic diversification strategy; to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in conflict or other humanitarian situations; and to ensure that lockdown measures, whether partial or total, and post-crisis recovery plans do not see women and girls relegated to stereotyped gender roles. Please indicate measures in place to ensure that all COVID-19 crisis response and recovery efforts: (a) address and are aimed at effectively preventing gender-based violence against women and girls; (b) guarantee that women and girls have equal participation in political and public life, decision-making, economic empowerment and service delivery; and (c) seek to ensure that women and girls benefit equally from stimulus packages including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the pandemic, such as restrictions on freedom of movement or physical distancing, do not limit access by women and girls, including those from disadvantaged and marginalized groups, to justice, shelters, education, employment and health care, including sexual and reproductive health services.

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\* Adopted by the pre-sessional working group on 17 July 2020.



**Constitutional and legislative framework**

3. According to paragraph 31 of the State party's report ([CEDAW/C/IDN/8](#)), new legislation and policies have been issued to promote the empowerment of women and protect the rights of women and girls. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please indicate whether any measures have been taken, or are envisaged, to amend the Constitution and to adopt national legislation to incorporate the principle of equality of women and men and define and prohibit all forms of discrimination against women, including direct, indirect, formal and substantive discrimination by State and non-State actors, and in public and private spheres. Please clarify whether a law on gender equality that fully conforms with and implements the State party's obligations under the Convention was adopted, as recommended by the Committee in its previous concluding observations ([CEDAW/C/IDN/CO/6-7](#), para. 20 (e)). Please also provide information on any instances in which the Convention has been invoked by individuals or directly applied or referred to in court proceedings in the State party.

4. According to paragraph 65 of the report, the Government is continuing to identify, take stock of and review national and subnational laws and regulations with a view to ensuring the harmonization of all laws with internationally recognized human rights principles. Please explain steps taken to implement the recommendations made by the Committee in its previous concluding observations ([CEDAW/C/IDN/CO/6-7](#), para. 18 (a) and (b)) to repeal, within a clear time frame, all discriminatory laws against women and to amend all discriminatory by-laws adopted at the provincial level, including those in the Province of Aceh and certain districts, that restrict women's rights. Please also explain how the recommendations provided by the Ministry of Home Affairs to revoke or amend those regulations that are not in conformity with national laws and regulations and universally recognized human rights principles, as referred to in paragraph 61 (a) of the report, have contributed to the revocation or amendment of laws and policies that discriminate against women. Please explain any measures taken to ensure that the draft Criminal Code does not contain any provisions that are discriminatory against women.

**National machinery for the advancement of women**

5. According to paragraph 23 of the report, the scope of the responsibilities of the Ministry of Women Empowerment and Child Protection, whose budget and human resource capacities more than doubled between 2014 and 2018, has been expanded to promote not only women's empowerment but also child protection. Please specify the human, financial and technical resources allocated at the national, regional and local levels to achieve gender equality and the empowerment of women. Please clarify whether the State party intends to establish a permanent governmental body responsible specifically for women's rights, gender equality and the empowerment of women. Please also clarify whether the State party has established a national gender policy, as recommended by the Committee in its previous concluding observations ([CEDAW/C/IDN/CO/6-7](#), para. 20 (c)).

**National human rights institution**

6. Please provide information on the mandate of the National Commission on Human Rights as it relates to women's rights, as well as on its human, technical and financial resources.

**Temporary special measures**

7. According to paragraph 120 (a) of the report, Law No. 8/2012, on elections, and Law No. 2/2011, on political parties, contain the stipulation that women must make up at least 30 per cent of the lists of candidates of all political parties. In the light of the Committee's previous concluding observations ([CEDAW/C/IDN/CO/6-7](#), para. 32), please specify the measures taken to introduce and implement a 30 per cent quota of women candidates to the general elections of the House of Representatives, the provincial and regency houses of representatives and local government in the Provinces of Papua and West Papua. Please also specify measures taken to ensure the implementation of Law No. 6/2014, on villages, which guarantees the opportunity for women to nominate, and be nominated as, village heads and to be members of village legislative bodies. Please also clarify whether gender parity systems for the appointment and accelerated recruitment of women to senior government and other public service positions have been introduced.

**Stereotypes and harmful practices**

8. In its previous concluding observations ([CEDAW/C/IDN/CO/6-7](#), para. 23), the Committee noted that it remained deeply concerned about the persistence of adverse cultural norms, practices, traditions, patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in the family and in society. Please explain any legal and policy measures put in place to prohibit harmful practices, such as all forms of female genital mutilation, child marriage, arranged marriage and polygamy, including through the adoption of a 2030 road map and national action plan on the prevention of female genital mutilation. Please clarify whether the Ministry of Health Regulation No. 6/2014 prohibits the performance of any type of female genital mutilation, including those performed in maternity clinics. Please explain the steps taken to put in place a comprehensive strategy, with a results-oriented approach, to eliminate harmful practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention, as recommended by the Committee in its previous concluding observations ([CEDAW/C/IDN/CO/6-7](#), para. 24). Please indicate steps taken to stop so-called "virginity testing", including such testing as that imposed by the national police and military forces when recruiting young women.

**Gender-based violence against women**

9. In the light of the Committee's previous concluding observations ([CEDAW/C/IDN/CO/6-7](#), para. 26), please indicate the steps taken to train the judiciary, including judges of religious courts, prosecutors, lawyers and medical personnel, on standardized and gender-sensitive procedures for assisting victims and effectively investigating their complaints. Please explain any measures put in place to prosecute all acts of domestic and sexual violence against women and girls, punish perpetrators and adequately compensate victims. Please also indicate any steps taken to establish a monitoring mechanism to ensure the enforcement of Law No. 23/2004, on domestic violence; to amend the Criminal Code and Law No. 23/2004 by defining and criminalizing marital rape; to ensure that the implementation of Law No. 23/2004 does not criminalize the victims; to prevent, prosecute and punish all forms of gender-based violence against women, including sexual violence; and to adopt the anti-sexual violence bill.

10. According to paragraph 69 of its report, Indonesia has established integrated service centres to provide a mechanism for prevention, protection, promotion, rehabilitation and reintegration services for victims of violence, as well as for coordination among stakeholders and with the national task force on trafficking in

persons. Please specify the number of such service centres at the local level, and the human, financial and technical resources allocated to those centres. Please explain any measures taken to ensure that such centres operate in rural areas, including West Papua. Please also specify any measures taken to ensure that asylum seekers, refugees and stateless women and girls without a State-issued temporary or permanent stay permit or a national identity document are able to access such centres.

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

11. In the light of the Committee's previous concluding observations ([CEDAW/C/IDN/CO/6-7](#), para. 30), please specify the measures taken to investigate, prosecute and punish traffickers; to ensure the effective enforcement of Law No. 21/2007, on the eradication of the crime of trafficking in persons, and the implementation of the national plan of action for the elimination of trafficking in women and children; and to increase the budget allocated to the Plan. Please explain how the State party has increased international, regional and bilateral cooperation with countries of origin, transit and destination so as to prevent trafficking through information exchange and harmonize legal procedures aimed at the prosecution and punishment of traffickers. Please also specify measures taken to strengthen data collection and establish appropriate mechanisms aimed at the early identification and referral of, and assistance and support for, victims of trafficking, including women migrant workers, and to provide them with remedies.

### **Human rights defenders**

12. Please indicate whether protection mechanisms are in place to address allegations of acts of intimidation, harassment and violence committed against women human rights defenders. Please specify steps taken to investigate such acts and prosecute the perpetrators.

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

13. In the light of the Committee's previous concluding observations ([CEDAW/C/IDN/CO/6-7](#), para. 28), please provide information on steps taken to promptly investigate, prosecute and punish all acts of conflict-related gender-based and sexual violence against women, including such acts committed by security forces against indigenous women and against women in the Provinces of Papua and West Papua, and on steps taken to provide full and effective reparation, medical and psychological support and counselling to all victims. Please specify the number, type and outcome of such cases received and investigated by the Office of the Attorney General. Please explain measures taken to establish truth and reconciliation commissions and human rights courts at the local level and specify the number and outcomes of complaints related to gender-based violence against women and girls in conflict and post-conflict situations received by such commissions.

14. Please explain measures taken to adopt laws and policies to ensure the protection of women and girls from conflict-related gender-based violence and to implement existing laws and policies at the national and local levels, including Regulation No. 1/2011 of the Province of Papua, on the rehabilitation of women victims of human rights violations. Please provide data on the number of women who are victims of conflict-related gender-based violence, disaggregated by race, ethnicity, age, disability, nationality, geographical location, socioeconomic status and any other relevant factors. Please provide data on the number of prosecutions that have taken place, the convictions secured, the sentences handed down, the nature of remedies provided to the victims and the services provided for their rehabilitation.

**Nationality**

15. In the light of the Committee's previous concluding observations (CEDAW/C/IDN/CO/6-7, para. 34 (a)), please clarify which measures have been taken to ensure the effective implementation of Law No. 23/2006, on population administration, which provides that the issuance of birth certificates should be free of charge.

**Education**

16. Reports before the Committee indicate that girls and young women run a high risk of being subjected to sexual violence in educational institutions, carried out by teachers and religious figures. In that context, please provide information on the collection of data on sexual violence against girls and young women in educational settings, the development of legal and institutional responses to combat sexual violence in schools and higher education institutions and the establishment and coordination of structures to assist survivors of sexual violence. Please report on measures taken by the State party to ensure inclusive education for women and girls with disabilities.

17. In paragraph 145 of its report, the State party refers to its efforts to develop vocational training programmes. Please specify the measures taken to ensure that girls and young women benefit as much as boys and young men from technical and vocational training and are able to acquire income-generating skills and pursue careers in traditionally male-dominated sectors, such as in services, trade and innovative sectors. Please provide data on enrolment in vocational training, disaggregated by sex, age, sector and geographical location. Please also provide data on enrolment in primary, secondary and tertiary education and on dropout rates, disaggregated by sex, race, ethnicity, age, disability, nationality, socioeconomic status, geographical location and any other relevant factors.

**Employment**

18. Please explain any measures taken to ensure that changes to labour law made through the 2020 omnibus bill are not discriminatory against women. Please provide comprehensive data on women employed as daily labourers, including in the palm oil sector, and specify measures taken to provide them with access to permanent employment and fair and equal wages, social security and benefits, including health insurance, pension and maternity leave. Please also provide data on women's access to entrepreneurship, literacy training in financial management, investment and credit, disaggregated by age, geographical location and socioeconomic background. Please specify any measures taken to address the economic marginalization of indigenous women traders; to provide women, including indigenous women and women in Papua and West Papua, with access to markets; and to ensure that marketplaces are safe and that they meet the needs of women.

19. In the light of the Committee's previous concluding observations (CEDAW/C/IDN/CO/6-7, para. 38), please indicate the steps taken to protect women domestic workers, including by conducting awareness-raising campaigns on the situation of girls performing domestic work and their rights; supporting unions working with domestic workers and strengthening labour-inspection mechanisms; creating complaint mechanisms and developing support services for domestic workers who are victims of abuse; and eradicating domestic child labour. Please explain any steps taken to ratify the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization; to adopt, regulate and implement laws to ensure the protection of women domestic workers, including women migrant domestic workers; and to prevent gender-based violence against and harassment of

women domestic workers in their place of work and to prosecute and punish the perpetrators.

### **Climate change and disaster risk reduction**

20. Please provide details on measures taken to guarantee the rights of indigenous, rural and poor women in the context of large-scale development projects, the exploitation of natural resources, deforestation and agricultural expansion, including their rights to life, health, food, potable water, sanitation and development, and on measures taken to protect their access to land and resources. Please specify any measures taken to ensure that the implementation of Presidential Decree No. 88/2017, on the settlement of land ownership in forest areas by the Ministry of Environment and Forestry and other ministries and institutions, guarantees the rights of rural and poor women to access land and natural resources and the collective right of indigenous women and their communities to control and use their traditional lands, in full respect of their collective identities and cultural heritage. Please specify any measures taken to ensure the participation of indigenous, rural and poor women in decision-making processes related to climate change and to land and resource management.

### **Health**

21. According to paragraph 173 of the State party's report, efforts to reduce maternal mortality have included expanding access to maternal health services. Please explain any steps taken to ensure the expansion of access to sexual and reproductive health services, including maternal health services in rural areas, including in Papua, where maternal mortality is disproportionately high. Please explain steps taken to prevent the deaths of pregnant women, women who are giving birth and women experiencing postpartum bleeding at health facilities and hospitals, where 77 per cent of such deaths occurred, according to data from 2016 provided by the Ministry of Health. Please outline efforts made by the State party to legalize abortion, at least in cases of rape, incest, threats to the life or health of the pregnant woman or severe fetal impairment, and to decriminalize it in all other cases. Please indicate steps taken to combat the HIV/AIDS pandemic in the Provinces of Papua and West Papua and to ensure that women living with HIV/AIDS are not discriminated against and are provided with assistance. Please report on the availability of community-based mental health services for women and girls. Please elaborate on the accessibility of health services for women and girls with disabilities and report on any measures taken to ensure that the right to free and informed consent is guaranteed for all women and for all medical treatments.

### **Disadvantaged groups of women**

22. In the light of the Committee's previous concluding observations ([CEDAW/C/IDN/CO/6-7](#), para. 46 (c)), please explain how the Blueprint for Corrections Service Reform, referred to in paragraph 207 of the State party's report, improves the conditions of women in detention facilities, in particular by addressing the problem of overcrowding in prisons; the lack of adequate and free health services and facilities, in particular for pregnant women; and the difficulties faced by women in filing reports of misconduct against police officers. Please also explain how Law No. 5/1960, on agriculture, and Law No. 7/1989, on religious courts, referred to in paragraph 201 (b), ensure equal access for women to land and productive resources and provide data, disaggregated by age, geographical location and socioeconomic background, on the number of women who have benefited from the development of remote areas and community initiatives conducted by the Ministry of Villages, Disadvantaged Areas and Transmigration, referred to in paragraph 200 (e). Please

specify measures taken to ensure that disadvantaged groups of women and girls – such as refugee, asylum-seeking and internally displaced women and their families, women and girls without identity cards, poor women and girls, indigenous women, women and girls in Papua and West Papua, women and girls of other ethnic, religious and/or linguistic minorities, women and girls affected by leprosy, women and girls living with HIV/AIDS and women and girls with disabilities – have access to education, health care, including sexual and reproductive health care, basic services, housing, food, employment and identity cards, and measures taken to prevent and end gender-based violence, including sexual violence, against them.

### **Marriage and family relations**

23. In the light of the Committee's previous concluding observations (CEDAW/C/IDN/CO/6-7, para. 48), please indicate any steps taken to eliminate all discrimination against women in the areas of marriage and family relations, including by developing an effective strategy with clear priorities and timelines for doing so; repealing the discriminatory laws adopted in the Province of Aceh that severely discriminate against women in family relations; undertaking awareness-raising activities throughout the country on the negative effects of child marriage for girls, with a view to eliminating the practice; and reviewing the provisions of the Marriage Act of 1974 and all provisions relating to family life that are discriminatory against women, to bring them into line with the Convention and ensure that they: (a) prohibit polygamy; (b) set the minimum age of marriage for women and men at 18 years; (c) exclude differences on the role of men and women in the household; (d) provide protection to women undertaking interreligious marriage; (e) guarantee equal inheritance rights to women as daughters and as spouses; and (f) include the option of making civil marriages available to all women.