



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

Distr.: General
24 August 2007

Original: English

**Committee on the Elimination of Discrimination
against Women**

Thirty-ninth session

Summary record of the 800th meeting (Chamber A)

Held at Headquarters, New York, on Friday, 27 July 2007, at 3 p.m.

Chairperson: Ms. Gabr (Vice-Chairperson)

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In the absence of Ms. Šimonović, Ms. Gabr, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined fourth and fifth periodic report of Indonesia (continued) (CEDAW/C/IDN/4-5, CEDAW/C/IDN/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Indonesia took places at the Committee table.*

Articles 7 to 9

2. **Ms. Roostiawati** (Indonesia) said that the recently adopted nationality laws applied to Indonesian women at home and abroad and aimed to protect women migrant workers. The laws had not, however, been fully implemented yet. The Ministry of Manpower and Transmigration was working to empower migrant women workers and their families. Family members left behind were being helped to become economically self-sufficient, and a network of embassy personnel, including labour attachés at 19 of Indonesia's embassies, had been established to collect data and improve the protection afforded migrant workers and their families.

3. **Ms. Swasono** (Indonesia) said that the Ministry for Women's Empowerment had sent a letter formally asking the Minister of Internal Affairs to examine the issue of discrimination against women under sharia law in Indonesia and had referred the matter to the Council of the Constitution for judicial review. The Ministry for Women's Empowerment had also been lobbying governors to address the issue.

4. **Mr. Umar** (Indonesia) noted that Indonesian law made no specific reference to sharia law, but permitted the application of "local" law. Moreover, a distinction should be drawn between sharia law as it was applied in Indonesia and the versions adopted elsewhere. Local laws were always subordinate to, and could never violate, national law in Indonesia. Furthermore, local law was not mandatory in all regions and only constituted recommendations regarding dress code on certain days of the week and a few other matters. Less than 10 per cent of women wore the veil in Indonesia.

Articles 10 to 14

5. **Ms. Simms** welcomed the progress made regarding girls' access to primary and secondary education and the number of women teachers in pre-primary and primary schools, but was concerned by the disproportionate lack of women teachers in secondary and tertiary education. Traditional attitudes about the superiority of men and the unsuitability of women for leadership positions were affecting women's career choices and possibilities.

6. Gender parity was essential for the development of the Third World. Indonesia needed to integrate women into the economy by ensuring access to university education and vocational training that enabled girls to attain empowerment, not just literacy, and by establishing temporary special measures to increase the number of women in non-traditional jobs. The Government also had to ensure that poor children in slums and rural areas also received an education.

7. **Ms. Chutikul** suggested that a study should be conducted, possibly by women's centres, on sexual harassment in schools. Were sexual harassment regulations effective and what sanctions had been established for offenders? She also asked about the content of human rights education and suggested that it should include women's and children's rights specifically. More detailed information was requested on the counselling available in schools. Comprehensive counselling services should be provided and used for the early detection of potential dropouts. Lastly, she expressed concern about the shortage of day care for young children of working mothers. Early childhood education programmes were important for educating children about gender equality during a particularly receptive period in their lives.

8. **Ms. Shin** requested information on the number of women in the Bureau of Rehabilitation and Reconstruction (BRR) and asked for confirmation that 0.4 per cent to 0.6 per cent of the budget had been allocated to the Women's and Children's Protection Directorate. The Committee wished to know what steps the Government was taking to ensure that women and children were benefiting from its policies. With regard to Aceh, she asked how the Government monitored the possible discrimination against women under local law in that region. What measures was the Government taking to prevent the physical abuse which, according to Amnesty International, many of the 2.6 million

domestic workers in the country were subjected to? She wished to know whether the new law of 2004 on domestic violence covered not just family members of the household, but also domestic employees.

9. Information should be provided on the content of the memorandums of understanding signed with other countries that received Indonesian migrant workers. The memorandum of understanding with Malaysia apparently allowed employers to keep a migrant worker's passport. Arrangements permitting such unacceptable practices and other kinds of exploitation, such as making migrant workers pay to obtain a job, should be terminated. She wished to know how the Government had spent the \$100 million that it had collected in departure fees from migrant workers since 1987, as well as the revenue that it had obtained from the \$2.50 data-collection fee which migrant workers were charged when they returned.

10. **Ms. Patten** noted that though ratified, the ILO Convention was poorly implemented: women received lower wages than men and had fewer career opportunities. She wished to know whether the Labour Inspectorate determined minimum wages and used the monitoring system to ensure equality in employment, referred to in paragraph 110 of the report, or whether those functions were performed by another body. Data were also requested on the number of labour violations reported, as well as information on the content and effectiveness of the administrative sanctions established under Law No. 13 of 2003. Given that the labour legislation of 2003 and 2005 did not guarantee equal pay for work of equal value, she asked if there were any strategies or mechanisms to prevent discrimination in wages, to ensure that women had sufficient access to training, and to adjust wage structures and create jobs in the sectors dominated by women.

11. She requested information on the maternity protection provided to ensure that women were not discriminated against on grounds of pregnancy, family responsibilities or marital status and asked whether the private sector was regulated by provisions on the matter. With regard to sexual harassment, information was requested on the number of cases reported and prosecuted and whether the Government had enacted a specific law on the subject. The contribution of women working in the informal sector needed to be recognized so that appropriate policies could be designed. Apparently there was a law that covered the informal

sector, but it had not yet been implemented. She asked how the Government was addressing the issues facing the sector and whether it had a mechanism for collecting data on it.

12. **Ms. Swasono** (Indonesia) said that the patriarchal social structure in the country made it difficult for girls to enter higher levels of education.

13. **Mr. Soejarwo** (Indonesia) said that the Government had noted that, although most primary school teachers were women, most primary school principals were men, and it was therefore implementing a policy to encourage women to get the necessary advanced degrees to apply for headships at schools. The courses were available through distance learning programmes. The Government was actively training both men and women.

14. **Ms. Swasono** (Indonesia) said that studies showed that schools were not safe places for all children, and cases of harassment and bullying had been reported. Two recent test cases had been successfully prosecuted under the Child Protection Law thanks to the combined efforts of the Ministry for Women's Empowerment, NGOs and the media. Counselling and human rights education was available in Indonesian schools, and the new textbooks included specific human rights education.

15. **Mr. Soejarwo** (Indonesia) added that counselling activities relied heavily on parental support and were difficult to provide outside school hours because many girls lived far from their schools. Counselling was provided during school hours.

16. **Ms. Swasono** (Indonesia) pointed out that government-run crèches were available to working mothers for children up to the age of 5.

17. **Ms. Husin** (Indonesia) said that many women worked in the lower echelons of the Bureau of Rehabilitation and Reconstruction. One of the nine management posts was held by a woman, who was responsible for education, health and the empowerment of women. The 2007 budget for programmes in that field was almost \$1.5 million, but only 15 per cent of that had actually been allocated. Funds from other budgets, of course, also went to women's programmes. Although no official disaggregated data were available, she had been informed by the agency involved that approximately 60 to 65 per cent of the microbusiness

loans given to individuals in over 400,000 families had gone to women.

18. In the Aceh region, sharia law was applied. Although the law itself was gender-neutral, there was definitely discrimination in its application. The Government, however, was very serious about preventing such interpretation of the sharia and prosecuting any violators. It intended in 2008 to offer human rights courses to the untrained sharia police. Also, the plan was to shift the emphasis in the application of the sharia from concerns such as the dress codes or lashing to the themes of urban environmentalism and cleanliness.

19. **Ms. Swasono** (Indonesia) said that while a draft law on the protection of domestic workers was under consideration, the workers were already covered by Act No. 23 (2004) on the elimination of domestic violence, which applied to all persons living under the same roof. Domestic workers could report violations to the police or use a dedicated government post office box to report them, although complaints often came not from the victims themselves but from witnesses to violations.

20. **Ms. Roostiawati** said that a Malaysian/Indonesian Working Group had recently been set up, as was done periodically to monitor the successful implementation of the memorandum of understanding between them. On the agenda would be the numerous cases of which the Government was aware, thanks in part to ILO reports of what was happening in the field, in which identity cards or passports were being withheld by employers. It should be understood, however, that there were 11 points of entry and exit between the two countries, so that many workers could easily slip into Malaysia without the Government's knowledge.

21. Malaysia, itself aware of the problem, had issued special identity cards in lieu of passports to all migrant workers, which should make it easier to monitor the workers, most of them uneducated women, whom both Governments wanted to protect. The employer responsible for the particularly brutal treatment cited was currently in custody for prosecution, and his case should prove to be a deterrent. The \$20 charge levied, which since 1997 had been lowered to \$15, represented the actual cost of protecting migrants abroad. The Government was working to eliminate all costs in

Terminal 3 and to set up a special migrant-worker platform there for ease of monitoring.

22. **Ms. Pimentel**, referring to article 12, asked what the Government was doing to give rural women access to free basic and reproductive health services. The family planning programmes left much to be desired, because of the low male participation, the difficulty in obtaining contraceptives and the restriction of condoms to married males. It was not clear whether the provisions of Act No. 23 (1992) allowed or blocked access to abortion. Also, it seemed that female genital mutilation persisted in the Islamic regions despite the position of the Ministry of Health. It would be interesting to know as well whether the programme to lower the maternal mortality rate had been effective.

23. **Ms. Dairiam** agreed that the Government must set targets to reduce the high maternal mortality rate and ensure that the mother-friendly programme recently relaunched would now be successful. Also, the rule that health insurance and family cards were available only to those who could prove permanent residence would seem to discriminate against poor people. Because decentralization had apparently adversely affected family planning and contraception programmes, she wondered if local authorities had ever struck down any by-laws that denied women's rights. She asked if any programme dealt with teenage pregnancy and abortion, deterrents to the schooling of girls; and whether the Government had statistics on the death rate from unsafe abortions.

24. **The Chairperson**, speaking in her capacity as a Committee member, welcomed the fact that some progress was being made in family planning, and said she hoped that the studies made in four provinces of Indonesia (report, para. 131) would be extended to other parts of the country to allow for nationwide strategies to be developed. It was unclear if abortion was permissible in Indonesia if there was a threat to the mother's health. Also, she pointed out that female genital mutilation was not an Islamic custom, but rather an African one: a clear fatwa had been issued specifying that the sharia prohibited the custom as a violation of human rights. Furthermore, more information should be given about the Government's future plans to deal with the disturbing spread of AIDS in the country.

25. **Ms. Swasono** (Indonesia) said that the Government's policy of health care for all by the year

2010 was focusing on five areas: universal access, community-based health services, family planning, centralized management and local financial accountability.

26. **Mr. Sudarmadi** (Indonesia) said that the Government guaranteed family planning services and devices to all women and to poor families and informed them where the services could be had. It had quite a good infrastructure in place to reach even rural areas, where field workers and village volunteers publicized the available services. Contraceptives were supplied by the Government to poor families, and medical fees were recovered by either the Government or insurance companies.

27. It was indeed a problem that so few men participated in family planning: the target was to raise the participation from 2 per cent to 4.5 per cent by 2009. Campaigns were directed at men and at teenagers regarding condom use, in the workplace as well, while taking care to respect religious customs. New reproductive help centres for teenagers had been set up to better prepare them for the future. Abortion was not a part of the family planning programmes in Indonesia.

28. **Ms. Hermiyanti** (Indonesia) said that 5 per cent of abortions had led to maternal death in 2003. The maternal mortality rate remained high, and to bring it down, more trained birth attendants and community midwives would be needed to complement intensive monitoring of expectant mothers. As part of efforts to solve the problem of teen pregnancy and abortion, 10 per cent of public health centres were designated to provide reproductive health services, and many provided peer counselling on such issues. The Government had tried to amend the law on reproductive health to give indications for emergency abortion for medical reasons, but had not succeeded. Free health care for the poor included prenatal care, delivery and post-natal care.

29. **Ms. Begum**, referring to article 14, said that rural development must be a priority, as much of the population of Indonesia lived in rural areas. She would like to hear how national development plans, poverty reduction strategies and strategies to achieve the Millennium Development Goals benefited rural women. Women small-business owners must have equal access to land, credit, tax benefits and facilities for marketing their products. The Committee would like to know how the birth registration policy and the

mother-friendly movement were implemented in remote rural areas. In view of the need to counter the trend of internal trafficking in women from rural to urban areas, she asked about policies regarding jobs and educational activities for rural women. Finally, information was needed on the situation of elderly and disabled women in rural areas and the services available to them.

30. **Ms. Swasono** (Indonesia) said that the gender mainstreaming strategy was reflected in the 2004-2009 National Development Plan and its annual workplans in the areas of education, health, labour law and poverty alleviation. Microcredit for women was coordinated with banks through a revolving fund, and had grown from an initial \$800 million to \$1.2 billion, partly due to women's excellent rate of repayment. Because of the high degree of regional autonomy in Indonesia, not all regions had placed the same priority on the mother-friendly movement, and as a result it had been dormant for a decade before being revitalized under the aegis of the First Lady. Activities included training for village midwives and setting up "maternity huts" to allow expectant mothers and fathers from remote areas to stay over for a few days' recovery after the birth of a child. Campaigns had also attempted to provide husbands with training in recognizing pregnancy complications in their wives and information about the importance of seeking care for obstetrical emergencies in regional hospitals.

31. **Mr. Soejarwo** (Indonesia) said that informal campaigns to warn poor women of the dangers of trafficking were being conducted. Community radio programmes were being used to educate women in remote areas who could not attend classes because of the expense and distance involved. Informal education and vocational training was provided in the villages as well.

32. **Ms. Hermiyanti** (Indonesia) said that the Department of Agriculture was working towards achievement of the Millennium Development Goal of alleviating chronic poverty through two major efforts. The first involved training and extension programmes in rural areas through participation programmes and special loans and grants through such organizations as the International Fund for Agricultural Development (IFAD) and the Asian Development Bank (ADB). The second main programme was aimed at rural income generation by providing microcredit through IFAD to empower women, the landless and small-scale farmers.

Gender-sensitive pilot projects were taking place in nine provinces to foster village food independence as part of the effort to achieve Goal One on poverty and hunger.

33. **Ms. Swasono** (Indonesia) said that the “ABC Package” in basic literacy had been developed for women who had not attended school. Programmes for elderly women included sports, discussion groups and health information. The Indonesian Foundation for Disabled Women addressed those needs and attempted to generate home-based employment to increase the income of disabled women.

Articles 15 and 16

34. **Ms. Patten** said that she was concerned that no progress in the area of marriage law had been made in the 23 years since the ratification of the Convention and the Committee’s concluding comments on the previous report in 1998. The Marriage Act of 1974 contained some problem areas, and its review was on the legislative agenda for 2005-2009. She would like a progress report on a time frame for its review and asked what priority and support the review had received from the Cabinet. With regard to the competence of religious courts in the application of civil law, were judges in such courts trained in the application of the Convention? She was also curious about any provisions for spousal support or child support in the event of divorce and whether the consent of the husband was still required for sterilization or abortion.

35. **Ms. Maiolo** asked if polygamy and forced marriage were practiced and enquired about the place of sharia law in the legal system.

36. **The Chairperson**, speaking in her capacity as an expert, said that it was gratifying that Indonesia had ratified the Convention without reservation, but some contradictions remained in family law, for instance regarding the minimum age for marriage. With regard to sharia, many Islamic countries had made a great deal of progress in the area of family law, which Indonesia, as the largest Muslim country, would do well to emulate.

37. **Ms. Swasono** (Indonesia) said that gender sensitivity training had been conducted for religious leaders in the area of marriage and family. The minimum age for marriage was 16 for girls and 19 for boys.

38. **Mr. Umar** (Indonesia) said that adoption of the Marriage Act of 1974 had strengthened the situation of women and greatly diminished paternal authority — prior to the Act they had been viewed as property. The draft of the new act should be adopted by the end of 2007. Among its provisions, the minimum age of marriage had been made the same for men and women. It was also intended to eliminate marriages that were not legalized or registered. Since the 1974 Act had been adopted, the practice of polygamy had greatly diminished. Women had gained the right to initiate divorce proceedings in 2005; they currently initiated 70 per cent of divorces. The draft legislation on the religious justice system was still controversial, and the suggestion to study the approach of other Muslim countries would be considered.

39. **Ms. Mulia** (Indonesia) said that women in Indonesia still faced problems related to early marriage, polygamy and forced marriage. The proposed amendment to the Islamic law had not been accepted, but efforts to gain its passage continued. She appealed for the Committee’s support to those efforts by supporting the Government.

40. **Ms. Shin** proposed that, given the magnitude of the issues surrounding women migrant workers and the large numbers of women involved, the Government should establish a national body for the protection and empowerment of migrant workers. She further proposed that a public forum should be held to discuss the presentation of the report and the concluding comments.

41. **Ms. Patten** said that she was still awaiting answers to her earlier questions regarding gender discrimination in hiring and promotion, the omission of the concept of equal pay for work of equal value from the Manpower Act and how the workforce in the informal sector was taken into account in making policy.

42. **Ms. Neubauer** drew attention to the lack of positive developments for women in the foreign service, demonstrated by the decrease reported in their number since the report had been submitted.

43. **Ms. Dairiam** said that she would like to receive a reply to her questions regarding the status of the Convention in the domestic legal order. The Committee was interested to know if there was a time frame for the enactment of the gender equality law and whether a

second marriage would be nullified if polygamy was outlawed.

44. **Ms. Begum** asked why Indonesia had no memorandum of understanding with Saudi Arabia since most Indonesian migrant workers went there. Also, did the Government have plans to ratify the Optional Protocol to the Convention?

45. **Ms. Maiolo** reiterated her earlier question regarding stereotypes in politics.

46. **Ms. Swasono** (Indonesia), addressing a number of the questions raised, said that the Government had a working group for the placement of migrant workers abroad; that an eco-employment task force comprising all stakeholders had been established; that Act No. 7 (1984) was applicable because it was a national law; that the Government would definitely disseminate the Committee's concluding comments widely; and that under its human rights action plan, Indonesia intended by 2009 to ratify the Optional Protocol as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

47. **Mr. Umar** (Indonesia) observed that once polygamous marriages were annulled the children of those marriages could not be considered born in wedlock; the Government was debating how to address that problem. Regarding gender mainstreaming, the new translation of the Koran in a much more gender-sensitive way had clearly established the rights of women to education and all other social rights. The Government had also reviewed all educational materials used in the schools to ensure that they conformed to the ideals of gender equality.

48. **Mr. Sudarmadi** (Indonesia) said that in the 2004 elections no political party that had failed to meet its 30-per-cent quota for female candidates had been penalized. However, in the 2010 elections, any party that did not meet the target would be dissolved.

49. **Ms. Roostiawati** (Indonesia) said that Saudi Arabia and Indonesia would in the near future be formally drafting a memorandum of understanding regarding Indonesian migrant workers in that country. With regard to equal pay for equal work, Indonesia had signed the ILO Conventions Nos. 100 and 111 and was now in the process of ratifying them.

50. **The Chairperson**, expressing appreciation for the presence of such a large delegation, observed that

Indonesia was very important in the developing world and as such must set a good example. The Committee looked forward to further achievements by the Government on behalf of women and hoped that its own concluding comments would be widely publicized.

51. **Ms. Swasono** (Indonesia) said that, while many of the Government's key initiatives were works in process, Indonesia was determined to create the conditions for the advancement of women in the face of great challenges. The discussions with the Committee would help advance its action under the Convention, and a workshop would be held to give a report on the meetings to decision makers in the Government, members of Parliament, religious representatives and women's organizations.

The meeting rose at 5.25 p.m.