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Glossary

AICHR	: ASEAN Intergovernmental Commission on Human Rights
ACWC	: ASEAN Commission for the Protection of Women and Children
APH	: Law Enforcement officers
CATAHU	: Komnas Perempuan's Annual note/report
CEDAW	: Convention on the Elimination of All Forms of Discrimination against Women
CERD	: Convention on the Elimination of Racial Discrimination
CRPD	: The Convention on the Rights of Persons with Disabilities
CSOs	: Civil Society Organizations
DPR	: the People's Representative Council
EIA	: The Environmental Impact Assessments
FPL	: Forum for Service Provider Organizations for Women Victims
GBV	: Gender Based Violence
IPT	: the International Peoples Tribune (on 1965 tragedy, held in The Hague 2016)
Komnas HAM	: The Indonesian National Commission on Human Rights
Komnas Perempuan	: The Indonesian National Commission on Violence against Women
KPAI	: Indonesia Child Protection Commission
KPPPA	: Ministry of Women's Empowerment and Child Protection
KUHAP	: Indonesia Penal Procedure Code
KUHP	: Indonesia Penal Code
LBT	: Lesbian, Bisexual and Transgender
LGBT	: Lesbian, Gay, Bisexual and Transgender
Lemhanas	: National Resilience Body
LPSK	: Victims and Witness Protection Agency
NHRI	: National Human Rights Institution
P2TP2A	: Centres for Integrated Services and Empowerment for Women and Children
PKT dan PPT	: Crisis Centres and Hospitals
RANHAM	: National Action Plan of Human Rights
SGRC-UI	: The Support Group and Resource Center on Sexuality Studies Universitas Indonesia
TNI	: The Indonesian Armed Forces
UN	: United Nations
UPPPA	: Service units for women and children at the police
UPR	: Universal Periodic Review
VaW	: Violence against Women
Ver	: Visum et Repertum
WCC	: Women Crisis Centre
WHR	: Women Human Rights
WHRD	: Women Human Rights Defender

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A.Methodology and Consultation Process

1. This report has been prepared by the Indonesian National Commission on Violence Against Women (Komnas Perempuan), a specialized national human rights institution (NHRI) mandated to develop conditions conducive to the elimination of all forms of violence against women (VAW) and the fulfilment of women's human rights¹.
2. For this report, Komnas Perempuan has consulted with civil society organizations, NHRIs and the relevant ministries².

B.Development of Human Rights Conditions in Indonesia and Implementation of the UPR Recommendations

B.1.Ratification of Human Rights Instruments and the National Plan for Human Rights

3. Komnas Perempuan appreciates the ratification of the Convention on Persons with Disabilities, the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families as well as the issuing of Presidential Decree No.75/2015. However, the ratification of the Optional Protocol to the Convention Against Torture, the Rome Statute, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention and Optional Protocol on the Status of Refugees, the ILO Convention No.189 and the Convention for the Protection of All Persons from Enforced Disappearance all stalled in the 2011-2014 National Action Plan for Human Rights (RANHAM). Komnas Perempuan urges the Indonesian Government to enter into the entire ratification agenda of the RANHAM 2015-2019.

B.2.The Strengthening of Human Rights Institutions and Networks

4. Komnas Perempuan appreciates the political commitment of President Joko Widodo, the People's Representative Council (DPR), and a number of Ministries expressing their support for Komnas Perempuan as a NHRI³. This commitment however, has not yet translated into concrete action by way of allocation of resources, funding⁴ and an independent working unit⁵.
Recommendations: (a) that the Indonesian government provide adequate resources to Komnas Perempuan, (b) follow up on all findings and recommendations from the NHRI's and establish and implement a regular review mechanism.

B.3.Human Rights Training and Education for Law Enforcement Institutions

5. Komnas Perempuan appreciates the cooperation of the Supreme Court, Attorney General's Office and Police Force to conduct human rights training and education that takes a gender based perspective for judges, prosecutors and police⁶ including the National Resilience Body⁷. The training and education however has not yet resulted in changes in attitudes and actions of

staff handling cases of violence against women. Komnas Perempuan urges the government to incorporate human rights material into the national training curriculum for Law Enforcement and security forces.

B.4. Violence against Women (VaW)

6. Komnas Perempuan has documented patterns of violence that require national attention: (a) Increasing sexual violence⁸, (b) Criminalization of women⁹ through the implementation of Law no. 23/2004 on the Elimination of Domestic Violence¹⁰. (c) Vulnerability of women caused by unregistered marriages¹¹ (d) State legalisation of child marriage: Komnas Perempuan regrets the decision of the Constitutional Court to reject the judicial review of Law No. 1 of 1974 regarding Marriage relating to raising the legal age for women to marry¹². **Recommendations:** (a) That the parliament pass the bill on the Elimination of Sexual Violence. (b) That women's human rights are incorporated into education for law enforcement. (c) That the State raise the legal marriage age of girls to 18 as stated in Law No. 35/2014¹³.

B.4.1. Women Migrant Workers: Sexual violence, the trap of drug traffickers and the threat of the death penalty :

7. Although the government has made efforts to respond to emergency cases and improve protection systems in destination countries, Komnas Perempuan has noted a number of serious issues: (a) Sexual violence especially in the destination country resulting in women returning home with children conceived by rape¹⁴. (b) Entrapment by drug traffickers resulting in the death penalty. Amongst others, the cases of MJV and MU demonstrate that the legal processes fail to recognize victims of human trafficking and there is a severe lack of legal assistance provided¹⁵. (c) Facing the death penalty abroad: The Ministry for Foreign Affairs notes that more than 209 Indonesian migrant workers are currently on death row abroad, 63 are women. **Recommendations:** (a) That the State legally process and provide reparations for victims of sexual violence, including pregnant victims of rape and demand responsibility from receiving countries. (b) The State must defend and seek clemency for all migrant workers facing the death penalty.

B.4.2. Sexual Violence and Legal Accessibility for Women with Disabilities :

8. Komnas Perempuan appreciates the ratification of the CRPD and the introduction of Law No. 8/2016¹⁶. Komnas Perempuan has found that women with disabilities experience sexual violence because they are impeded from legal access¹⁷. **Recommendations:** Ensure access to

justice and a friendly legal process for women victims of VaW with disabilities by strengthening the capacity of law enforcement to support women with disabilities.

B.4.3. VaW in Evictions:

9. Komnas Perempuan has documented a number of forced evictions occurring across the country, mainly in Jakarta¹⁸. Evictions remove women from their homes, and can result in: increasing VaW, loss of livelihood, removal from social circles and from access to public services and uncertainty over land tenure and control. **Recommendations:** The State cease evictions which are contradictory to principles of human rights and search for peaceful solutions inclusive of women throughout the implementation process.

B.4.4. VaW in the Context of Ecological Conflict and Indigenous Communities:

10. Based on the results of a 2015 inquiry by Komnas HAM regarding the rights of Indigenous Cultures and Forested Areas, Komnas Perempuan has found: Gender Based Violence is occurring against women from Indigenous communities and land rights conflicts are handled with violence by security forces. In the case of the ecological conflict surrounding the threat of large scale investment by cement corporations in the Kendeng mountainous region in Central Java, there are women conservationists striving to protect the region who are facing threats and violence¹⁹. **Recommendations:** (a) All policies need to be based on protecting the rights of women, indigenous communities and the environment. (b) The President fulfill his commitment to placing a Moratorium on the cement factory and carry out environmental assessments using the perspective of women's human rights.

B.5. Women and Issues of Sexual Reproductive Health Rights (SRHR):

B.5.1. The Right to Education for Pregnant Students:

11. Komnas Perempuan appreciates the Policy of the Standard National Education Body No 16/13 which permits pregnant and incarcerated students to take part in national exams. Ministerial Decree No.81/2015 regarding the Prevention and Elimination of Violence in Educational Environments, including sexual violence is also appreciated. From 2012-2015 however, Komnas Perempuan has noted cases in a number of areas of Indonesia in which pregnant students have been forced to abandon their schooling without being allowed to take part in national exams²⁰. **Recommendations:** (a) Public officials not stigmatize victims of sexual violence. (b) Uphold the rights of girls to complete twelve years of education.

B.5.2.Abortions for Rape Victims :

12. Komnas Perempuan appreciates Presidential Decree No.61/2014 which increases efforts to uphold the reproductive rights of women²¹. However the requirement which states abortions must be carried out within 40 days of pregnancy continues to be a problem for rape victims who often do not (quickly) report cases of rape. Uncertainty is caused by abortion remaining a criminal offence under the Penal Code (KUHP)²². **Recommendations:** To provide access to abortions for all rape victims and to stop the criminalization of victims and service providers.

B.5.3.Virginity Testing:

13. Komnas Perempuan is disappointed with the policy gap that fails to prevent the culture, discourse and practices of virginity testing undertaken by the armed forces (TNI) and Police Departments in the selection process for female candidates. **Recommendations:** National institutions completely cease the practice of virginity testing²³.

B.5.4.Female Circumcision:

14. Regulation Number 6/2014, from the Ministry of Health states that female circumcision has no medical benefit and that the State does not facilitate female circumcision. Komnas Perempuan regrets Article 2 of this regulation that delegates the Religious Health Advisory Council's authority to organize and guide the implementation of female circumcision. The Assembly has acted on this delegation through Decree No. 03/MPKS/SK/II/2014 on Guidelines for the Implementation of Female Circumcision Services which allows the practice of female genital mutilation in the name of religion. **Recommendations:** That the State act decisively to stop the practice of female circumcision of any kind.

B.5.5.Discrimination and Violence Against LBT Women:

15. Although there are laws to protect people of diverse sexual orientations, implementation remains weak²⁴. Komnas Perempuan has received complaints and noted that LBT women experience violence in the form of: (a) gross maltreatment; (b) sexual violence; (c) stigmatization by media²⁵. **Recommendations:** (a) The Indonesian Government reaffirms non-discriminatory principles, works to end violence and discrimination, uphold basic human rights and develop a public education system that is friendly to people of diverse sexual orientations and gender identity.

B.6.Freedom of Religion and Belief

B.6.1.Women in Minority Religions:

16. Komnas Perempuan appreciates the steps taken by law enforcement bodies to apprehend the offenders of violent attacks on minority religions and their places of worship.²⁶ Violent attacks on places of worship continue against followers of minority beliefs such as Shiite, Ahmadiyah, Baha'i, and Buddhism. These groups encounter difficulties in constructing places of worship. Komnas Perempuan has found that women adherents of these minority beliefs experience multi-layered discrimination, stigmatization in society, a lack of security, loss of assets and administrative documents and sexual assaults. Groups are evicted or forcefully moved from their areas in the name of security. Examples include the Ahmadiyah and Shiite groups who have lived in IDP camps for a number of years. **Recommendations:** (a) The Government implements the decision of the Constitutional Court to revise Law No.1/PNPS/1965 to guarantee religious freedom, and the Joint Ministerial Regulation No 8 and 9/2006 Regarding Construction of Places of Worship, (b) Withdraw the decision banning the teachings of Ahmadiyah. (c) The Protection of Religious Congregations Bill, currently being discussed, must contain protections for followers of minority religions. (d) Provide reparations for women victims of religious based violence.

B.6.2.Women Adherents of Traditional Beliefs:

17. Komnas Perempuan has documented discrimination and violence experienced by women adherents of traditional beliefs and indigenous religions: discrimination includes administrative difficulties in securing personal documents such as ID cards, birth and marriage certificates. They also experience physical, psychological, and sexual violence because of their beliefs²⁷. The Law No.24/2014 on Population Administration and the Government Regulation Number 37/2007 continues to discriminate against the adherents of religious beliefs. **Recommendations:** (a) That the State must record traditional beliefs on individuals' identity cards in accordance with the right to freedom of religion. (b) Revise the Law No.24/2014 regarding Population Administration to not discriminate against traditional beliefs. (c) Increase human rights education in society especially regarding respect for the diversity in Indonesia.

B.7.Freedom of expression

18. Komnas Perempuan regrets the many violations of the freedom of assembly and expression which occur in Indonesia. Cases include: the ban on showing the film "Senyap" which documents the 1965 tragedy; the disbanding of discussions (especially relating to LGBT issues); the breaking up of peaceful protests; the ban on and breaking up of discussions regarding the 1965 tragedy;

the ban on “leftist” books and the forced closure of an Islamic boarding school for transgender people. **Recommendations:** Ensure that law enforcement officers: provide a guarantee of security for all citizens without exception and deal firmly with actions of intolerance and violence; and ensure the fulfilment of every citizen’s right to freedom of assembly, association and opinion.

B.8. Justice and law enforcement

B.8.1. Inhumane Punishments:

Komnas Perempuan is concerned about the backward steps the Government is taking regarding criminal punishments currently being driven by the legislative process, namely: (a) the death penalty as detailed in Book 1 of the Penal Code Bill (RKUHP,) the Terrorism Law and the Narcotics Law. Komnas Perempuan regrets the three recent waves of executions carried out by the State. Komnas Perempuan is monitoring six women currently on death row. Indications are that these women are victims of human trafficking and that the legal process has not upheld the rights of the defendants. Komnas Perempuan appreciates that President Joko Widodo has heeded Komnas Perempuan’s advice to delay and progress carefully with the cases of MJV and MU, two women whose executions were postponed. (b) Chemical castration as a punishment for sexual violence committed against children as stipulated in the Interim Government Regulation Number/2016 regarding the Second Revision to the Law on Child Protection. This law operates in opposition to principles of human rights²⁸. (c) Caning as a punishment in Aceh: Komnas Perempuan is concerned about the State allowing the caning punishment in Aceh to continue despite it contravening national law and the international conventions of ICCPR and CAT. The punishment of caning is legitimized by Qanun Number 11/2002 regarding Shari’a Law, Qanun Number 12/2003 regarding Alcohol, Qanun 14/2003 regarding Khalwat which is reinforced by Qanun Number 6/2014 regarding Jinayat. Komnas Perempuan is concerned that the enactment of the Jinayat Law results in the possibility that women rape victims will be caned because they are considered to have committed adultery.

Recommendations : (a) Remove the death penalty as a standard punishment from Book 1 RKUHP and the Interim Government Regulation 1/2016). Remove the punishment of chemical castration from the law. (b) Formulate the crime of rape in context with a chapter on criminal offence against one’s body or personal liberties as stated in the penal code bill (RKUHP). (c) Discuss the bill on the Elimination of Sexual Violence. (c) That the State revoke the 421 enacted discriminative policies and stop all punishments that are contradictory to human rights principles.

B.8.2. Women Victims of Past Human Rights Violations :

19. There are a number of unresolved human rights violations which need to be resolved by the state including: the Tragedy of 1965²⁹, May tragedy '98³⁰, Aceh³¹, Papua³², Poso³³, and Timor Leste³⁴. Komnas Perempuan appreciates the commitment by the President to solve the past human rights violations, initiatives from local governments³⁵ and the compensation for victims distributed by The Institute of Victim and Witness Protection (especially for victims of the 1965 tragedy)³⁶. However, Komnas Perempuan regrets that the steps taken by the State remain limited and that justice for victims of sexual violence has not yet been achieved.

Recommendations: (a) The President must be consistent in resolving past human rights violations in accordance with the constitution and his Nawacita mandate. (b) Legal processes must continue along with a cessation of impunity for offenders involved in violations especially on sexual violence. (c) The Indonesian government must support the existence and the work of the Commission for Truth and Reconciliation in Aceh. (d) The government must provide comprehensive reparations for victims of sexual violence

B.8.3. Issues of Women's Human Rights in Papua:

20. The President is politically committed to developing Papua and has opened up Papua to foreign journalists. The political commitments however are yet to develop into political reality due to prolonged violence in the region³⁷. The findings of monitoring carried out by Komnas Perempuan are: (a) There has been no justice for women victims of past human rights violations. (b) There is a repetitive cycle of violence in the public and domestic domains and impunity for offenders. (c) The label of separatist is often applied to women's rights defenders. (d) There is political, economic and social marginalization of Papuan women. (e) There is difficulty accessing income due to a lack of land rights and ecological damage. **Recommendations:** (a) Prevent and stop VaW, especially in the public and domestic domains. (b) Resolve issues of human rights violations and stop impunity for offenders. (c) Provide reparations for victims that have experienced sexual violence in the context of conflict through the implementation of bylaw (Perdasus 1/2011).

B.9. State Accountability in Regional and International Human Rights Mechanisms

21. Komnas Perempuan appreciates the existence of ASEAN policies regarding the elimination of VaW³⁸. State support for the regional implementation of the ASEAN Commission for the Protection of Women and Children (ACWC) is limited. Human rights institutions do not yet enjoy a formal position in the ASEAN human rights mechanism because not all member countries

possess human rights institutions. The recommendations of international human rights mechanisms have not yet been implemented in a systematic manner. **Recommendations:** (a) Indonesia takes the lead to support and reinforce the AICHR and ACWC in ASEAN. (b) Build consultative and periodic mechanisms that are made up of multiple stake holders to review the implementation of UN mechanisms, (c) State reporting on CEDAW and CERD must be submitted in the given timeframe.

¹Komnas Perempuan was established following the demands of civil society, especially the women's movement demanding State responsibility for the VaW that occurred in the mass rape and sexual violence targeting ethnic Chinese women during the May 1998 riots in Jakarta and several other major cities in Indonesia. Established based on Presidential Decree No. 181 of 1998 and later strengthened with Presidential Regulation No. 65 of 2005, Komnas Perempuan is an independent body with the authority to carry out public education, monitoring and fact finding, strategic research and policy examination, to provide policy recommendations to state institutions and to community organizations, and to develop networks at the local, national, regional, and international levels. This report, focuses on the development and challenges faced in the effort to handle and eliminate cases of VaW in Indonesia.

²See annex 1 for the list of organizations that participated in the consultation held by Komnas Perempuan on 23 August 2016. Joint consultation with the other two NHRI's, namely the National Commission of Human Rights (Komnas HAM) and the Indonesian Child Protection Commission (KPAI), and the Government of Indonesia were conducted once in August 2016.

³The President has agreed with the initiative to alter the Presidential Decree Number 65/2005 as the legal foundation for the strengthening of Komnas Perempuan as an institution.

⁴The allocated budget of Komnas Perempuan has decreased from IDR 12 billion to approximately IDR 9 billion for every year in the period of 2015-2019.

⁵ Komnas Perempuan is currently under the Komnas HAM working unit. Komnas Perempuan wants to be an independent working unit in order to be treated equally as other national human rights institutions which manage their own institutions, and as a part of the recognition of the importance of women's machinery.

⁶ In accordance with the Joint Agreement regarding Access to Justice for Women Victims of Violence which was signed in 2011, the Research and Education Body of the Supreme Court has provided specialized education and training for 40 judges in the period 2012-2015 regarding violence against women and crimes relating to domestic violence. The body for Education and Training of the District Attorneys and State Prosecutors has carried out similar training in the years 2014 and 2015. Komnas Perempuan also notes that the education for 7000 female police recruits in 2014 incorporated material regarding human rights and gender. One advancement in the implementation of education and training is that besides lectures and classes the Indonesian Body for Education and Training has facilitated dialogues with NHRI's and service providing institutions.

⁷ The National Resilience Body (Lemhanas) is an institution which educates future leaders at regional and national levels. Komnas Perempuan has formulated a MoU with Lemhanas to develop gender based human rights material as part of the education process. The objective of this cooperation is to produce future leaders of Indonesia who possess strong gender perspectives that can be utilized in policy formulation.

⁸Based on the Annual Notes of Komnas Perempuan, in 2014 there were 2183 reported cases of sexual violence which equates to three women becoming the victims of sexual violence every two hours. Komnas Perempuan has documented 15 forms of sexual violence that arise in various contexts, ranging from violence carried out by the State in situations of conflict to violence in personal relationships. These forms of sexual violence include: rape, sexual intimidation (including attempted rape or threats of rape), sexual abuse, sexual exploitation, the trafficking of women into sex work, forced prostitution, sexual slavery, forced marriage, forced pregnancy, forced abortion, forced sterilization and contraception and sexual control (discriminative rules enacted in the name of religion and morality).

⁹Which occurs because of the burden of proof required to prosecute cases and a lack of gender awareness within the law enforcement institutions.

¹⁰ Since 2001 every year Komnas Perempuan has prepared Annual Notes which record data relating to the cases of violence against women which are handled by Service Providing Institutions across the whole of Indonesia, these notes include cases submitted by the State and also by communities. In 2015, 232 institutions submitted data for the Annual

Notes. The Annual Notes show that in 2012, 216,516 cases of violence against women were documented which rose to 279,688 in 2013, 293,220 in 2014 and 321,572 cases in 2015. Komnas Perempuan notes that 60% of women victims of domestic violence experience criminalization, 10% (14 cases between 2011-2015) have been convicted according to the Law on the Elimination of Domestic Violence. These cases are reported because the husband experiences injury or is killed at the time of carrying out violence against his wife. Husbands often force their wives to withdraw divorce suits. Women are also often forced to leave their homes and husbands to escape from the violence of their partners. This criminalization occurs because law enforcement officers in applying the Law on the Elimination of Domestic Violence do not apply the accompanying instructions of the Law to carry out analysis regarding power imbalances between husband and wife which results in an ongoing cycle of domestic violence. All of these situations result in intimidation of the victims. A number of victims withdraw their reports or request law enforcement officers to cease processing the cases of violence that they experienced. Following is the data relating to 'dating violence' in the period from 2012-2015, the data is from the Annual Notes and based on complaints directly received by Komnas Perempuan and data from service provider organizations: 2012: 1,145 cases, 2013: 2,664 cases, 2014: 1,887 cases and in 2015: 2,839 cases. The forms of violence experience are layered, and can include: physical violence such as pushing, hitting, kicking and biting. Psychological violence is also common such as insults, threats, intimidation and isolation. Victims are also controlled by offenders using jealousy as an excuse for their abuse. Sexual violence is the form of violence most commonly experienced by victims. Offenders use threats such as threatening to expose naked photos on social media to force their victims to have sex with them; forced abortions are also common.

¹¹ In 2012, many public figures took part in unregistered marriages. Komnas Perempuan received six cases. In 2013, a 67 year old man with the initials ES entered into unregistered marriages with 8 women. In the year 2015, the data relating to unregistered marriages received by Komnas Perempuan consisted of 71 cases. These unregistered marriages occurred because of pregnancies, a lack of money to marry officially. Many were polygamous marriages that did not have the permission of the legitimate wife and many involved public figures.

¹² Although the Constitutional Court has made progress regarding the rights of the child in relation to being recognized as the offspring of their biological father (and enjoying the rights that this provides), the decision is hard to access for the wife. Legal protection for women and children born from these marriages as well as for women victims of dating violence remains minimal. The Marriage Law continues to allow girls aged 16 to marry. The rights which are violated in child marriages are: the rights to develop, to education, to life resources, to social and political rights as well as to be free from violence. When the right to education is stopped, the right to a decent life is also compromised as only the husband who can provide for the family. Women who drop out of schooling are unable to be competitive in the job market. Komnas Perempuan, through its Annual Notes, documents the instances of divorces caused by child marriages: 498 cases in 2012, 827 cases in 2013, 353 cases in 2014 and 1,131 cases in 2015.

¹³ Law Number 35/2015 altering Law Number 23/2003 regarding the Protection of Children as stated in article 1 stipulates that the definition of a child is a person not yet 18 years of age and includes children inside the womb.

¹⁴ Women victims of sexual violence struggle to overcome stigmatization in the community. Impunity for offenders in receiving countries and the lack of recovery systems and lack of systematic handling of such cases are big problems.

¹⁵ Other cases are the execution of two female Indonesian migrant workers, Siti Zainab & Karni Binti Medi Taslim. Siti Zaenab was a migrant worker from Madura, East Java who was executed on 14 April 2015 in Madinah after 16 years of imprisonment, she was executed because her apology to the victim's family was refused. The same thing was experienced by Karni Binti Medi Taslim who was executed on 16 April 2015 after the court system sentenced her with the death penalty in 2013. Karni left behind three children, one of whom was still only 8 years old.

¹⁶ An example is from the implementation of the Regional Regulation of Yogyakarta Number 4/2012 which states that people with disabilities have the right to access reproductive health education.

¹⁷ In 2014 there were 40 cases (37 case of sexual violence, 2 cases of physical violence and 1 case of neglect). Women with disabilities are susceptible to experience violence and impeded from access to justice. (This is closely related to the lack of ability to speak.) There is still a stigma that attaches to having a disability which considered a curse and a sickness. The most common instance of violence against women with disabilities reported was violence against women with mental disabilities of which there were 21 cases.

¹⁸ Komnas Perempuan has received complaints of victims evicted from their homes to make way for the construction of the Jatigede dam in West Java. Komnas Perempuan has also carried out monitoring in some areas of evictions in Jakarta mostly for the restructuring of the Ciliwung river. Komnas Perempuan has also monitored the situation where the Gafatar community was removed from Kalimantan for reasons of 'deradicalization'.

¹⁹ In November 2014, Komnas Perempuan received complaints of violence against women during the construction of the cement factory. As there had been no end to the problems, in September 2016 Komnas Perempuan carried out monitoring in Pati, Rembang, Grobogan and Kendal. This revealed that the legal process is denying justice to the local community.

There have been contradictory Environmental Impact Assessments (EIA) from businesses and residents (community/people). The EIA process failed to involve and listen to the dissenting opinions of women. The community is divided between supporters and opponents of the factory, and threats against women human rights defenders have resulted in gender based violence in the community and the potential to deprive indigenous people of their traditional lands and natural resources. This in turn threatens the rich and unique cultural identity of the communities of Northern Kendeng and the communities in southern Central Java. Some of the cases reported to Komnas Perempuan are: 1.) Physical violence that occurred when 155 women who took action to block the road to the location of the cement plant were forcefully disbanded by security forces. They were kicked, trod on and strangled by police in the effort to break up the protest. A number of women were forcefully thrown into bushes, resulting in fainting and a number of injuries. 2.) Psychological abuse from police who threatened the demonstrating women with kidnapping. The demonstrating women also experienced threats from gangsters who visited the women at their homes and threatened them with machetes. A number of these reported incidents continue to this day: 1.) The breaking down of community solidarity and kinship because of the division in opinions that the construction of the factory has caused; 2) a disruption of domestic and economic activities that has occurred as a result of women beginning their protest in June 2014. 3.) Since 2016, the women were worried with the establishment of small stalls in the cement industrial areas which are potentially disguised prostitution destinations.

²⁰Throughout 2015 cases of female students losing their right to education continue to occur across almost all districts of Indonesia and have been portrayed in the national and regional media. Amongst other locations, cases have occurred in Surabaya, Lamongan, Manado, Bengkulu, Deli Serdang, Pontianak, Samarinda and Sulsel. This loss of the right to education is often caused by policies enacted by schools or teachers who continue to prioritize the credibility of their school without taking into consideration the perspective of the victim. Pregnant students are equated with having compromised morals or having engaged in free sex and must receive punishment. Rarely do student pregnancies result in an evaluation of the lack of reproductive health education that is delivered to students with the result that there is a lack of understanding regarding the results that choices made in sexual encounters can result in. Schools and teachers do not consider the possibility that pregnant students may have been impregnated as a result of rape or coercion.

²¹Regional Regulations regarding Maternal Health, New Born Babies and Children were enacted by a number of districts and cities including West Java such as Bandung (No. 8/2009), Sumedang (No. 3/2008), Purwakarta (No. 3/2009), Cimahi (No. 4/2009), Bulungan (No. 6/2011), Central Java such as Jepara (No. 25/2011), East Nusa Tenggara (City of Kupang No. 7/2011), Kalimantan: South Hulu Sungai (No. 4/2012), Kolaka (No. 7/2013), North Hulu Sungai (No. 3/2014), Banjarmasin (No. 8/2013) and West Nusa Tenggara (No. 7/2011)

²²Article 75 of Law Number 36/2009 regarding Health explains that aborting a baby is a criminal action and that whoever carries out an abortion can be imprisoned for a period of 10 years and receive a fine of up to IDR 1 Billion. There are only two exceptions that allow a woman to gain access to medical abortion: (1) if a woman encounters a complication in their pregnancy that is life threatening, or (2) if a pregnancy is the result of a rape. The declarations within this Law result in women being forced to have illegal abortions, and in doing so risk death.

²³Virginity testing for female police recruits is legally based on the Indonesian Police Chief Regulation No. 5/2009 regarding the Guidelines for Health Examinations of Police Recruits. Article 36 states that female recruits must undergo an 'obstetric and gynaecological' examination. Although this does not explicitly mention a virginity test, witness statements from a number of female police recruits who have gone through the selection process in Makassar in 2008 and Bandung in 2014 have reported to the Human Rights Watch that virginity testing is practiced.

²⁴These regulations are as follows: a) Police Chief Regulation No. 8/2009 regarding the Implementation of Principles and Standards of Human Rights in the Carrying out of Duty for the Police Force which in article 4 (h) states that Human Rights do not discriminate against race, ethnicity, ideology, culture, religion, social status, gender or sexual orientation but rather prioritize a commitment to mutual respect to create a civilized world; b) Police Chief Circular No. 6/X/2015 on the Handling of Hate Speech, Article 2 (g) Point 11 states that the incitement of hatred against individuals or groups based on sexual orientations; c) The Directorate General of the Medical Services in the Ministry of Health in 1993 issued the Diagnostic Manual of Mental Health Disorders IV, through the Guidelines on Classifications of and Diagnosis of Mental Health explains that sexual orientation should not be regarded as a mental disorder. The Directorate General of Medical Services Ministry of Health in 1993 issued the Diagnostic and Statistical Manual of Mental Disorders (DSM) IV through Guideline Classification and Diagnostic of Mental Disorders (PPDG) III pts F66 which explains that sexual orientation consisting of heterosexuality, homosexuality and bisexuality is not sexual disorders.

²⁵ In 2013 there were 49 cases of violence against LBT women. 23 of these cases consisted of sexual violence and were first reported to service providing institutions and then reported to Komnas Perempuan. Two cases were directly reported to Komnas Perempuan (Annual notes regarding Violence against Women 2013, The Crisis of Sexual Violence: The Weak Efforts of the State in Handling Cases p.26). In 2014 there were 37 cases with 12 cases reported to service providing institutions who then forwarded their data to Komnas Perempuan (The Annual Notes regarding Violence Against Women

2014, The State Must Quickly End the Impunity of Offenders, P.24 <http://www.komnasperempuan.go.id/wp-content/uploads/2016/05/CATAHU-2015-Kekerasan-terhadap-Perempuan-Negara-Segera-Putus-Impunitas-Pelaku.pdf>). In 2015 there were 20 cases with 7 cases reported to service providing institutions who then passed on the data to Komnas Perempuan. (Annual Notes regarding Violence against Women 2015, <http://www.komnasperempuan.go.id/wp-content/uploads/2016/03/KOMNAS-PEREMPUAN-CATATAN-TAHUNAN-2016edisi-Launching-7-Maret-2016.pdf>)

²⁶who burnt 10 Buddhist pagodas in Tanjung Balai, the offenders who destroyed an Ahmadiyah mosque in Sukabumi and Kendal

²⁷ Please see some part of the full report; <http://www.komnasperempuan.go.id/laporan-hasil-pemantauan-tentang-diskriminasi-dan-kekerasan-terhadap-perempuan-dalam-konteks-kebebasan-beragama-dan-berkeyakinan-bagi-kelompok-penghayat-kepercayaan-penganut-agama-leluhur-dan-pe/>

²⁸Reasons for rejection of castration as a punishment: (1) Not all cases of sexual violence are processed through to trial and it is not certain that the cases that are processed through the courts will result in the maximum punishment for the offenders. Meaning, there are issues in the judicial and law enforcement systems which make it hard for victims to access justice through the courts. It is very difficult to hope that castration would be an effective measure to end the impunity of offenders. (2) Carrying out executions and castrations require large amounts of money meanwhile protection for victims for example by providing VISUM is not yet maximum with the result that victims find it hard to prepare proof for cases of sexual violence. (3) When victims or their family take their cases legally into the authorities, they are often being intimidated by the perpetrators or the family of the perpetrators who want to avoid punishment including punishment in the form of chemical castration so that the legal process stops. A number of public officials issued statements responding to the case of the Support Group and Resource Centre on Sexuality Studies Universitas Indonesia (SGRC-UI), the Indonesian Press Commission released a letter which banned TV promoting LGBT, 23 February 2016 Number 203/K/KPI/02/16 <http://www.kpi.go.id/index.php/lihat-terkini/38-dalam-negeri/33218-kpi-larang-promosi-lgbt-di-tv-dan-radio>, the closure of a transgender religious boarding school by intolerant community organizations in Yogya, and the prohibition on employing transgender people in salons in Aceh.

²⁹Komnas Perempuan report “Documentation of Women’s Human Rights, Gender Based Crime Against Humanity – Listening to female victims of 65 Tragedy” has found the fact from 122 female victims or witnesses of 74 cases of rape, 21 cases of sexual slavery. The above definition refers to the Convention of Slavery 1925 and Rome Statute Article 7, and being elaborated based on the finding from the field.

³⁰Tim Gabungan Pencari Fakta [Fact Finding Joint Team] of May 98 Tragedy documented 1190 death, 91 injured, 85 women who became victims of sexual violence and rape, mostly Chinese women.

³¹ This report documents 103 recorded cases of violence against women from 13 cities/districts in Aceh, namely Banda Aceh, Greater Aceh, Aceh Jaya, South West Aceh, Pidie, Bireun, Lhokseumawe, North Aceh, East Aceh, Langsa, Central Aceh, Aceh Tamiang and Benar Meriah. These cases are grouped into the following time periods: the Military Operations Era (prior to 1999, 2 cases); b) the Peace Dialogues Era (2000—May 2003, 14 cases); c) the Military and Civil Emergency Era (19 May 2003-15 August 2005, 65 cases); d) the period of the MoU for Peace between the Free Aceh Movement (GAM) and the Republic of Indonesia (August 2005—January 2007, 17 cases); and e) Across Time Periods, which were cases that occurred across two or more of the periods above (5 cases). These 103 cases are the tip of the iceberg as the real number could be higher. More than half of the documented cases were sexual violence (59%, 61 cases) which consist of: 31 rape; 11 sexual torture; 8 instances of cruel and inhuman treatment or punishment with sexual nuances; 3 sexual abuse; and 8 cases of sexual exploitation. The remaining 42 cases involved non-sexual violence i.e. torture (32 cases), cruel and inhuman treatment or punishment (9 cases) and abuse (1 case). Seventy six out of one hundred and twenty eight perpetrators involved in these cases were state security personnel, which is particularly apparent in the cases categorized as torture and inhuman treatment or punishment. Such cases largely targeting women accused of subversion or being Inong Balee (GAM female soldiers), or wives or family members of GAM members. Three cases of cruel and inhuman punishment were perpetrated by GAM members against wives or girlfriends of Indonesian soldiers. “Eighteen victims were minors; the youngest victim was a seven-year-old girl who was repeatedly raped by her neighbour. More than half of the violence cases involved married women; 61 cases are categorized as sexual violence of which 32 of them were unmarried. Violence against women in Aceh, particularly sexual torture and cruel and inhuman treatment or punishment, is a result of the strategic use of women’s bodies as a weapon of war by conflicting parties. The sexual torture documented was perpetrated with extreme cruelty, involving rape, mutilation of sexual organs, destruction of female reproductive functions and severe psychological abuse with sexual nuances. Enforcement of Islamic/Syariah law in Aceh marginalizes women and includes inhumane forms of punishment such as public canings. Such punishments lead to indefinite suffering on women who are accused to violate rules. In addition these women are victimized by their communities and families, even after they received official punishment. Criticisms are silenced by accusations of blasphemy, which is also faced by victims of the practice of ‘Blind Chinese marriage’ (kawin cina buta). Utilizing religion-based justifications, this traditional practice often constitutes sexual abuse and can also encourage trafficking of women. Another abuse is inherent in the practice of forcing

women rape victims to marry their rapists. This practice, which is rooted in the patriarchal ideology surrounding female 'purity', has resulted in the perpetuation of the subordination of women and renders rape victims vulnerable to further violence. Instances of sexual exploitation are documented whereby a women victim who has sex with a man on the broken promise of marriage. Some perpetrators use kawin siri (Islamic unregistered marriage) to coax a woman into sexual relations and abandon her later. The perpetrators are state security personnels who exploit their positions of power to deceive their victims. This form of sexual violence is particular to conflict areas in Indonesia, including Aceh. Impunity for perpetrators is strengthened when perpetrators' employment institutions' deny any responsibility and also when victims are silenced by their families and communities due to fears of being perceived as 'soiled' or 'impure'.

³² Komnas Perempuan cooperate with service provider institutions and individuals who are part of the Papuan Women Human Rights Network [TIKI] in documenting the pattern of violence experienced by Papuan women through Stop Sudah [Enough is Enough] and Anyam Noken [literally bag weaving]. Anyam Noken recovery method consists of three main activities: documentation, victim recovery and policy advocacy. First: Stop Sudah (2009) has found that within the periods of 1963 – 2009 there are 261 cases documented, which consist of 138 sexual violence victims and 14 multi layered violence victims. See the Annexed Stop Sudah for the complete report. Second, between 2012 -2014 there are 1800 victims and survivors who come from 28 Districts in two Provinces of Papua and West Papua. From these two documentations, Komnas Perempuan identify 5 patterns of discrimination and violence: (1) Gender based violence against Papuan women (2) Structural impoverishment, domination over and removal from economic, social and cultural resources as well as political marginalization. (3) The absence of the state, the poor public services and the weak law and impunity. (4) Territorial security approach, violence and stigmatized as separatist (5) Denial of identity and capacity dwarfing.

³³ The violence experienced by women was inherent to the conflict and displacement during armed conflict between religious-based communities in Poso. Of the 72 documented cases, three typologies were identified: a) Violence against Women related to the context of conflict escalation in Poso i.e. forced nudity in the village of Sintuwulembah and a rape case in Malei village. Three non-sexual documented cases were arbitrary killings of women and an attempted murder of women; b) Violence against Women related to the placement of security and military forces in Poso. Since the conflict broke out in Poso, the government deployed security and military forces to restore security. During this period, 58 cases of sexual violence were documented involving personal relationships between security personnels and local women, mostly teenagers. There were also cases of gender-based exploitation of women labor; and c) Violence against women during internal displacement, including domestic violence, dating violence and community violence. Displaced persons came from villages which were attacked during the conflict which occurred in 2000 and 2002. Of the 72 documented cases, Komnas Perempuan identified 86.11% cases of sexual violence of which 93.54% took place domestically and 5.55% in public. The most vulnerable group for sexual violence was women between 18 and 28 years of age (88.66%). The types of sexual violence included rape, sexual exploitation, forced abortion, attempted rape and forced nudity. The majority of cases involved sexual exploitation of young local women by the security/military forces posted in Poso (92.06%). The perpetrator would approach the victim to ask her out which may start since the beginning of their assignment. The woman would then be persuaded to engage in sexual acts with the promise of marriage. Then the victims would be abandoned while being pregnant or after giving birth to a child just as the perpetrator would end his tour of duty in the area.

³⁴ The Chega Report shows that the Commission for Reception, Truth and Reconciliation has documented 853 cases of sexual violence in Timor Leste in various forms: 393 cases of rape, 231 cases of sexual harassment and other forms of sexual violence and 229 cases of sexual slavery. Their perpetrators are members Indonesian security forces and their auxiliaries (796 cases), Fretilin (21 cases), Falintil (10 cases), UDT Forces (5 cases), Apodeti Forces (1 case), others (8 cases). See the full report <http://www.cavr-timorleste.org/chegaFiles/1162273558-Chega!-Report-Executive-Summary.pdf>

³⁵ The initiative of the Jakarta local government under the leadership of Governor Basuki Tjahaya Purnama has provided support for reparations and recovery for victims of the May 1998 tragedy through the government's involvement in commemoration activities, building a monument dedicated to victims of the tragedy in the Public Cemetery of Pondok Ronggon in East Jakarta, integrating the site of the tragedy into the Encyclopaedia of Jakarta and economically empowering the victims' families by providing them with financial model also organizing thorough counselling.

³⁶ Law Number 31/2014 (Altering Law Number 13/2006 regarding the Protection of Witnesses and Victims) contains regulations regarding the protection of women victims of sexual violence and support for reparations for victims of human rights violations. However the elderly survivors of the 1965 tragedy in a number of regions who require intensive medical treatment continue to have difficulties in accessing health care services. The services which are provided by the State do not fulfil the basic rights of the elderly victims, especially regarding a place to live and economic rights.

³⁷ The discrimination against indigenous Papuan women and their lack of access to politics due to their low level of education, the practice of money politics that make them unable to compete fairly in politics, the politicisation of custom and religion which prevent women from becoming leaders and the use of women's issues to unfairly drop other political competitors. In addition, some Papuan women were unable to use their right to vote or have difficulties in accessing their

right to vote because some of them do not have ID card, have no comprehensive information on who they need to vote for and find it difficult to access the voting place because they live in remote areas, far from the voting place.

³⁸The sign of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (2015) and the adoption of ASEAN Regional Plan of Action on the Elimination of Violence against Women by ACWC (2015)